



AMERICAN **BAR** ASSOCIATION

Legal Education and
Admissions to the Bar

ABA Guidance Document:

Employment Protocols For the Class of 2021

**Data Protocol – Protocol for Collecting, Maintaining, and
Reporting Law Graduate Employment Data**

**Review Protocol – Protocol for Reviewing Law Graduate
Employment Data**

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INTRODUCTION

This version of the Employment Protocols applies to the Class of 2021, which includes students graduating between September 1, 2020 and August 31, 2021. Please use this document exclusively for the Class of 2021. Do not rely on any previously-issued graduate classification guidance from the ABA – this includes any email exchanges with the ABA regarding students from previous graduating classes – as that guidance applied to the Employment Protocols in effect for that specific graduating class. Please contact [Molly Wilensky](#) directly with any questions relating to Class of 2021 graduates.

This document is commonly referred to as the ABA Employment Protocols (Employment Protocols). The Employment Protocols were originally approved by the Council of the American Bar Association Section of Legal Education and Admissions to the Bar in September 2018 and became effective with the graduating class of 2018. The Employment Protocols replaced all previously-issued guidance materials, including the Protocol and Statement of Procedures that were approved by the Council in June 2014.

While those familiar with the past Protocol and Statement of Procedures will find the Employment Protocols longer, much of this is a result of taking a dense paragraph of text and breaking it into clauses and sub-clauses. The length is also a function of integrating guidance that previously existed across numerous documents and in an array of forms.

The Employment Protocols, like the past Protocol and Statement of Procedures, are also composed of two core sections: the Protocol for Collecting, Maintaining, and Reporting Law Graduate Employment Data (Data Protocol) and the Protocol for Reviewing Law Graduate Employment Data (Review Protocol).

The Employment Protocols also incorporate a series of [appendices](#) that contain related documents.

Authority and Confidentiality

The information that a school is required to report to the ABA under these Employment Protocols is pursuant to the ABA's accrediting function to ascertain compliance with the ABA [Standards and Rules of Procedure for Approval of Law Schools](#) within the exception listed in 34 C.F.R. 99.31(a)(7) of the Family Educational Rights and Privacy Act of 1974.

Under the ABA rules, any non-public information received from a school as part of the accreditation process must be kept confidential by the ABA. This includes the contents of the graduate employment files, which contain graduate names and/or other identifying information. The ABA will not publicly disclose any private, individually identifying information from the graduate employment files selected for review. Additionally, graduate employment files selected for review are reviewed in-house by an ABA staff member. If, as part of an Elevated Review, a graduate or employer must be contacted by the ABA in order to verify the information in the graduate employment file, the school will first be notified.

Graduates may have questions about how their information will be used. Schools should explain that individual graduate employment outcomes are reported to the ABA (and likely, NALP) and that aggregate data may be provided to other organizations as well. However,

it is important to stress that no information will be publicly disclosed as linked with any particular graduate and that the ABA keeps the information it receives on individual graduate employment outcomes confidential.

Purpose

The requirements set forth in these Employment Protocols are intended to promote confidence among the ABA, law schools, law school applicants, and other interested parties that law graduate employment data is complete, accurate, and not misleading, as required by Standard 509 of the ABA [Standards and Rules of Procedure for Approval of Law Schools](#).

The Employment Protocols outline the ABA's processes for reviewing reported graduate employment data to determine whether it is complete, accurate, and not misleading. The [Data Protocol](#) describes the obligations of a school in collecting, maintaining, and reporting graduate employment data, and is designed to ensure that schools create and maintain proper supporting documentation for their reported graduate employment data. The purpose of the [Review Protocol](#) is to identify any systemic misreporting issues, not to penalize schools for good faith reporting or nonmaterial errors in collecting, maintaining, and reporting law graduate employment data. When the ABA reviews a school's reported employment data, it will respect reasonable professional judgments regarding the reporting of graduate employment data when appropriately documented with an explanation and basis for any assumptions made in the reported data.

Reports of intentionally false reporting are rare, and errors that do arise are often the result of inadequate documentation or a good faith misunderstanding of applicable requirements. While these Employment Protocols are designed to uncover incomplete, inaccurate, or misleading reporting where it exists, a principal goal is to require schools to maintain supporting documentation that substantiates the responses submitted in the Employment Questionnaire (EQ). Ultimately, each school bears responsibility for determining the manner and frequency of communicating with graduates in order to obtain the Key Items of employment information. Likewise, schools act at their own risk when reporting graduate employment data that is unreliable or has not been adequately confirmed, or when supporting documentation is lost or not maintained. It is the responsibility of every law school dean to ensure that the school's reported graduate employment data is accurate, that adequate resources are allocated to the career services office, and that the processes employed by the school in collecting, maintaining, and reporting employment data comply with all the terms of the Employment Protocols.

Expectations

Collecting, maintaining, and reporting graduate employment information is considerably challenging because law schools are largely dependent upon self-reported information from graduates, many of whom are no longer on campus. Graduates often cannot be located or are unwilling to provide the information that the ABA instructs schools to report. Because graduates are often unwilling or unable to provide some of the information sought, schools must find employment information in other ways, such as from employers, licensing authorities, employer websites, subscription databases, and social media. Obtaining information from these third-party sources is time-consuming and difficult. Furthermore,

law schools have different levels of resources in their career services offices, and limited resources make obtaining complete and accurate information even more challenging.

By failing to respond to requests from their schools for employment data, either in whole or in part, graduates fail in their obligations to their schools, to prospective law students, and to the legal profession as a whole. Graduates should promptly, accurately, and completely respond to their law school's requests for employment information and should provide updated contact information so that their school can collect, update, or confirm employment data throughout the employment data reporting period. Accordingly, every law school dean should actively support their career services professionals in this endeavor, including leveraging the influence of their office over students and graduates toward emphasizing the importance of this obligation.

Levels of Review

The Review Protocol describes four different types of review that the ABA will use to promote confidence that the graduate employment data reported by law schools is complete, accurate, and not misleading, as required by Standard 509 of the ABA [Standards and Rules of Procedure for Approval of Law Schools](#). The types of review are:

- [Review Protocol 102](#), ABA Standard 509 Website Compliance Review
- [Review Protocol 103](#), Random Graduate Review
- [Review Protocol 104](#), Elevated Review After Random Graduate Review
- [Review Protocol 105](#), Red Flag Review

The [Data Protocol](#) sets forth instructions and guidelines for law schools in collecting, maintaining, reporting, and publishing graduate employment data. In order for the ABA to effectively review reported graduate employment data, law schools must maintain accurate, contemporaneous, and verifiable documentation that supports the reported responses to the Key Items of employment information. Complying with the Employment Protocols requires a significant investment of time and effort on the part of most law schools. In return, law schools realize a considerable increase in confidence that the graduate employment data reported by all schools is both reliable and accurate. In addition, schools will be assured that they will remain in compliance with ABA Standard 509.

ABA Contacts

For questions about any part of the Employment Protocols, please contact:

[Molly Wilensky](#), Manager, Law School Analytics and Reporting

For technical questions relating to the uploading of the EQ or making changes to what was reported in the EQ, please contact:

[Ken Williams](#), Senior Data Analyst

[Enna Rios](#), Program Specialist

Protocol for Collecting, Maintaining, and Reporting Law Graduate Employment Data (Data Protocol)

DOCUMENTATION OF GRADUATE EMPLOYMENT FILES

The Protocol for Collecting, Maintaining, and Reporting Law Graduate Employment Data (Data Protocol) is set forth in this section. The Data Protocol and related guidance cover a wide range of activities, including the collecting, maintaining, reporting, and publishing of graduate employment data.

To assist in understanding the Data Protocol, many entries are followed by examples. Examples can include both responses to questions submitted by schools and hypothetical illustrations to help illuminate common points of confusion. While examples normally reference a particular section or subsection of one of the Data Protocols, they often involve, or offer guidance on, parallel sections or subsections.

DATA PROTOCOL 101. PURPOSE AND DEFINITIONS

(a) Purpose

- (1) The purpose of this Data Protocol is to establish the general standards for the reporting of graduate employment data to the ABA in a manner that ensures the information is complete, accurate, and not misleading.
- (2) Reporting data that is complete, accurate, and not misleading is essential for various stakeholders, including prospective law students, current law students, and others.
- (3) An evaluation of the efficacy of these Employment Protocols will be undertaken by the Council no later than three years after adoption.

(b) Definitions – The definitions to the following terms should be understood to apply to any reference to these defined terms within the Employment Protocols, unless otherwise indicated in a specific Protocol.

- (1) **10-Month Employment Data** – Means the employment data for a graduate or class of graduates on the Graduate Employment Status Date.
- (2) **ABA** – Means the [American Bar Association](#), and in these Protocols refers to the ABA [Section of Legal Education and Admissions to the Bar](#), and the various components of that Section, including those responsible for the review of Graduate Employment Data.
- (3) **CSO or Career Services Office** – Means a member of the office or team assigned the career services-related duties at a school.
- (4) **Dean** – Means the dean in the highest point of authority at a school, including someone occupying that role on an interim basis.
- (5) **Dean's Signature Page** – Means the signature page that the dean and senior career services officer of each law school must sign, date, and upload when submitting their school's EQ. A copy is found in [Appendix D](#).
- (6) **Employed or Employment** – Means the graduate has a position in which the graduate receives remuneration for work performed on the Graduate Employment Status Date.

- (i) A volunteer position, for which the graduate does not receive remuneration, even if the position might ultimately lead to a remunerated position, is not considered Employment.
 - (ii) A graduate who has an offer for a position, even if the graduate has accepted that offer, but who has not commenced performing the duties of that position as of the Graduate Employment Status Date, is considered Employed – Start Date Deferred except where Data Protocol [201\(d\)](#) is applicable.
 - (a) From the perspective of the ABA, a graduate in this category is not truly Employed as of the Graduate Employment Status Date and they are not counted in the "Employment Type" box on the Employment Summary Report. As such, a school should not represent graduates whose position is Start Date Deferred as being employed under the standards of the ABA. This can be confusing, given that the word "Employed" is used in the category, but this was done because the prior name for the category "Unemployed – Start Date Deferred" was not only confusing, but carried the negative stigma associated with the word "Unemployed."
- (7) **Employment Protocols (or Protocols)** – Means the Protocol for Collecting, Maintaining, and Reporting Law Graduate Employment Data (Data Protocol) and the Protocol for Reviewing Law Graduate Employment Data (Review Protocol).
 - (8) **Employment Questionnaire or EQ** – Means the spreadsheet or series of individual, manually-entered graduate profiles containing each graduate's employment data that is submitted to the [ABA Quest System](#) on or before the Graduate Data Reporting Deadline. Schools using systems such as Symplicity or 12twenty may have these spreadsheets automatically generated by these systems, while some schools manually enter the data for each graduate in the [ABA Quest System](#) or fill in the spreadsheet template.
 - (9) **Employment Summary Report** – Means the PDF report of graduate employment data for the graduating class obtained from the [ABA Quest System](#) after the school's EQ has been submitted. This is also posted on the school's website.
 - (10) **Graduate** – Means a member of the class of graduates whose employment data is being reported in the EQ.
 - (11) **Graduating Class** – Means all the JD graduates of a school from a particular academic year. For example, the 2021 graduating class would be comprised of students graduating between September 1, 2020, and August 31, 2021.
 - (12) **Graduate Data Reporting Deadline** – Means the date on which the responses to the EQ must be submitted to the ABA, typically the first Friday in April.
 - (13) **Graduate Employment Data** – Means the Key Items of employment information and their associated documentation.
 - (14) **Graduate Employment File** – Means the specific file associated with an individual graduate, and containing all information necessary to support the 10-Month Employment Data reported to the ABA, including:

- (i) A unique identification number assigned to each graduate by the school, used to identify the graduate's Graduate Employment File and EQ submission responses;
- (ii) Any survey issued to the graduate and the responses thereto; and
- (iii) Any other documentation used to support responses to the Key Items of employment information, including administrative notes and copies of any communications, websites, or other materials.

(15) **Graduate Employment Status Date** – Means the date on which the graduate must be employed to be reported as employed for a Graduating Class, typically March 15.

- (i) An alternative Graduate Employment Status Date may be necessary where March 15 falls on a weekend, in which case the date will be the Monday after March 15.

(16) **Irrevocable Commitment to Military Service** – Means the graduate is entering military service and, from the perspective of the service branch they have joined, has entered into an irrevocable commitment to fulfill their service obligation, including, but not limited to, having taken the oath of service, despite not beginning military service as of the Graduate Employment Status Date.

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(17) **Key Items of Employment Information (or Key Items)** – Means the items of employment data that must be included in the Graduate Employment File, as detailed in [Appendix A](#), and accompanied by the required documentation and comprised of:

- (i) Employment Status;
- (ii) Full-Time or Part-Time;
- (iii) Long-Term or Short-Term;
- (iv) Employment Type;
- (v) Employment Start Date; and
- (vi) Employer Name and Contact Information.

(18) **Law School or its Parent Institution** – Means:

- (i) The law school from which the graduate is graduating;
- (ii) Any college, university, or other institution the law school is a part of; and
- (iii) Any college or university system of which the law school or its parent institution are a part.

(19) **Leave** – Means: The graduate was on leave (including leave for a recent birth or adoption of a child, a personal illness, caring for a sick family member, or the fulfillment of required civil or military service) from a job on the Graduate Employment Status Date, or their start date for a job was delayed until after the Graduate Employment Status Date due to these circumstances.

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(20) **Professional Judgment** – Means the use of reasonable professional judgment of a school staff member, as informed and guided by the duties and obligations set forth in the [ABA Standards and Rules of Procedure for Approval of Law Schools](#), the Employment Protocols, and the staff member's professional experience.

(21) **Purely Ministerial Changes** – Means changes that do not affect the quality of the graduate’s response to a request for employment data, but merely correct a minor error. Thus, correcting the name of an employer that was misspelled is ministerial, whereas changing terms of employment from short-term to long-term is not ministerial. Ministerial changes also include things like correcting the address of the employer or adjusting the firm size.

**** (22) Remuneration** – Means salary, commission, compensation, and/or wages paid for work or a service performed as of the Graduate Employment Status Date.

(23) **School** – Means a law school or law school employee, including members of a CSO, as indicated by the use of the term.

(24) **Start Date** – Means the date on which a graduate began working for a particular employer.

(25) **University** – Means the parent institution of any school, regardless of the formalities of the relationship between the school and its parent institution.

Example 1 – Data Protocol 101

Graduates in the process of starting their own law firm or business, are engaged in efforts to generate revenue, and graduates who will be compensated on a commission basis, are considered to be receiving remuneration.

Example 2 – Data Protocol 101

Graduates whose only compensation includes paid or reimbursed living expenses, or reimbursement for other specific expenses, like food or transportation, are not considered to be remunerated.

DATA PROTOCOL 102. OBLIGATION TO MAINTAIN, DOCUMENT, AND REPORT ACCURATE INFORMATION

- (a) Each law school is obligated to maintain timely and accurate documentation of a graduate’s employment data.
- (b) Each law school should request post-graduation contact information from students before they graduate and maintain a record of such information, including:
 - (1) School email;
 - (2) Personal email;
 - (3) Full mailing address; and
 - (4) Phone number.
- (c) A school should make multiple attempts to obtain reliable and accurate responses to the Key Items from a graduate, both before and after graduation.
- (d) A law school may stop contacting a graduate when:
 - (1) A graduate indicates that they no longer wish to be contacted;
 - (2) A graduate states that they will not provide requested data; or

- (3) Accurate employment data is obtained from the graduate, or through other reliable sources, as set forth in the [Data Protocol](#).
- (e) Once a school has obtained responses to the Key Items from a source that is reliable, accurate, and documented, there is no ongoing obligation to later re-verify that information, unless the school becomes aware of information from a reliable source that would call into question the reliability or accuracy of the obtained response.
- (f) The dean of every law school, and senior career services officer, must certify their school's employment data, as set forth on the [Dean's Signature Page](#), attached as [Appendix D](#).
- (g) Each law school must timely report its employment data and submit files for review to the ABA at the time and in the form set forth in the EQ, Employment Protocols, and such other guidance as the ABA shall issue, including:
 - (1) 10-Month Employment Data, reported in the EQ on or before the Graduate Data Reporting Deadline;
 - (2) Publication of a school's ABA [Employment Summary Report](#) on its website under Standard 509;
 - (3) Any Graduate Employment File requested as part of a Random Graduate Review or Elevated Review; and
 - (4) Any Graduate Employment File requested as part of any other review process established by the ABA.
- (h) Professional judgment underlies and must guide all actions of a school with respect to the Employment Protocols, and such other guidance or requirements issued by the ABA, therefore;
 - (1) Professional judgment must guide all of a school's conclusions regarding the reliability of a source of information used in responding to the EQ, the reporting of Key Items, or meeting any other obligation; and
 - (2) Professional judgment must be documented when the response or conclusion is not provided by the graduate or covered by a specific exception to the documentation requirements in this Data Protocol.
- (i) In the event a graduate dies before the Graduate Data Reporting Deadline, no employment data may be reported for that graduate, and a school must:
 - (1) Remove that graduate from the total number of graduates reported in the EQ; and
 - (2) Remove any documentation for that graduate from the Graduate Employment File.
- (j) Failure to comply with the Data Protocol may result in various sanctions under the ABA [Standards and Rules of Procedure for Approval of Law Schools](#).

Example 1 – Data Protocol 102

Question: Does a school need to conduct an “at graduation” survey or otherwise collect employment information from students prior to graduation?

Answer: While many students are not employed at the time of graduation, because it is easier to communicate with them before they leave campus, law schools should consider conducting an at-graduation survey to obtain future contact information and employment data as of that time. However, there is no obligation to do so.

Example 2 – Data Protocol 102

Question: What do we do if we find out after the Graduate Data Reporting Deadline that one or more Key Items reported for a graduate need to be amended?

Answer: Schools should notify the ABA right away. Corrections to the EQ can be made from approximately two weeks after the Graduate Data Reporting Deadline (the ABA will notify the Career Services listserv when this process can begin) until December 20 of each reporting year. No updates or corrections will be accepted after December 20, unless otherwise directed by the ABA.

The Graduate Data Reporting Deadline is firm and schools should not continue data collection efforts for ABA purposes beyond that date. There is, however, an obligation to notify the ABA and follow the instructions and parameters of the edit process when the school discovers, after the Graduate Data Reporting Deadline and before December 20, that an amendment to one or more reported Key Items in a Graduate Employment File needs to be made.

Most schools learn that one or more Key Items need to be amended: 1) immediately after the Reporting Deadline, 2) after receiving questions and/or edit requests from NALP after they review a school's ERSS submission; and 3) as schools prepare to submit their data for U.S. News & World Report.

The following instructions and parameters should be followed when a school learns one or more Key Items for a Graduate Employment File need to be amended:

- 1) Provide the graduate ID number of the file that needs to be amended, and an explanation of what Key Items are being changed.*
- 2) Once the school makes the change with the ABA, it must add the documentation to support this change to the Graduate Employment File. [Example 2 - Review Protocol 101](#) explains the parameters around this documentation.*

Example 3 – Data Protocol 102(c) and (d)

Question: How often must a school contact a graduate in order to obtain complete employment information?

Answer: The Employment Protocols do not prescribe a minimum number of times a school must contact, or attempt to contact, a graduate. It is left to the reasonable judgment of each school to determine the manner and frequency of contacting graduates to obtain complete employment data. However, because a graduate is considered the best source of information on their own employment data, a school should make reasonable efforts to have its graduates complete surveys before they graduate, and at multiple points after they graduate, until the Graduate Data Reporting Deadline.

Example 4 – Data Protocol 102(e)

Question: Do we need to re-survey graduates who report employment on the “at graduation” survey or can we rely on their answers on the “at graduation” survey? Even in the unlikely case the graduate has done something to alter their employment in the interim, the graduate was still “employed” before the Graduate Employment Status Date.

Answer: You may rely on the graduate's answers to the "at graduation" survey if you have no reason to believe they are incorrect or that the graduate's employment has changed. However, if you become aware of a change in the graduate's employment from a reliable source, you must update the graduate's data accordingly. Otherwise, there is no requirement to "re-survey" graduates.

That said, even if the start date is before the Graduate Employment Status Date, a graduate cannot be counted as employed if the job ends or the graduate loses the job before the Graduate Employment Status Date. Since you do not have to re-survey your graduates on or just before the Graduate Employment Status Date, you only need to update a graduate's employment status if you become aware of a change from a reliable source.

Example 5 – Data Protocol 102(e)

Question: Must the supporting documentation for a reported Key Item of employment information be checked or updated as of the Graduate Employment Status Date?

Answer: Schools do not need to check or update reported Key Items of employment information (whether received directly from the graduate or from other appropriate sources) unless the school has reason to believe any of the Key Items are incorrect or it becomes aware from a reliable source that a graduate's employment has changed.

DATA PROTOCOL 103. SOURCES OF INFORMATION

- (a) A source of information for a graduate's Key Items of employment information must be both reliable and accurate, and the lower the reliability or accuracy of a source, the greater the need to seek verification through additional sources.
- (1) A graduate is the best source of information on their own employment data; thus, the following sources are deemed reliable and accurate, on their face:
 - (i) Responses to the Key Items entered directly by the graduate, in paper or electronic form, and;
 - (ii) Responses to the Key Items entered by the CSO in direct communication with the graduate, and that are properly documented as set forth in Data Protocol [104](#).
 - (2) A school should make reasonable efforts to obtain responses to the Key Items directly from the graduate but, when the graduate is not responsive, is unavailable, or does not directly provide responses to all the Key Items, the CSO may rely on information obtained by indirect means or from a third-party source as identified in [Appendix C](#).
 - (3) Notwithstanding Data Protocol [103\(a\)](#), the accuracy of information, even from reliable sources, can be misreported, either by mistake or because the source fails to understand the full scope or intent of a Key Item of employment information, and must be corrected by the school.
 - (4) Where the school has reason to believe a response is inaccurate, it should correct the response, regardless of how reliable the source may otherwise be.
 - (5) The obligation and authority to override a response is vested in each school and supersedes the objections of the source, including the graduate.

- (6) Any correction to a graduate's employment data, other than changes made directly by the graduate, must be documented under Data Protocol [104](#).
- (b) When the school knows through a reliable source that a non-responsive graduate is employed, but is unable to obtain information to support responses to the Key Items despite diligent effort, it should respond to the remaining Key Items as set forth below:
- (1) Absent a specific exception, the default rule is that the school should always choose the least favorable status when reporting a Key Item of employment information for which it lacks a reliable source.
 - (2) Where the school can meet the following requirements, it may substitute its professional judgment for the default rule when reporting a Key Item:
 - (i) The school has specific knowledge of an employer's historic hiring practices, and this knowledge is documented accordingly under Data Protocol [104](#), including an explanation of the employer's hiring practices;
 - (ii) The employer's historic hiring practices have consistently aligned with the status the school seeks to assign to the graduate; and
 - (iii) There is nothing known that would cause a reasonable person to believe circumstances are different for the graduate whose status is being changed.

Example 1 – Data Protocol 103(a)

Question: If we have a graduate-completed survey from the same calendar year they graduated that says the graduate will start employment on a specific date in the year following, but before the Graduate Employment Status Date, what follow-up/documentation, if any, beyond the graduate survey, do we need?

Answer: None. You may rely on any information given to you directly by the graduate, or any other source that meets the Data Protocol for reliability and accuracy, and that has been properly documented. See Data Protocols [103](#) and [104](#), generally. The only time you have an obligation to seek further information or clarification would be where you become aware of information from a reliable source that would cause you to question the reliability or accuracy of the response as indicated in Data Protocol [102\(e\)](#).

Example 2 – Data Protocol 103(a)(2)

Question: Is a LinkedIn profile a sufficiently reliable source to document a response to the Key Items when a graduate is not on an employer website and does not reply to outreach?

Answer: Yes, as long as you explain any professional judgments or assumptions you are making since a LinkedIn profile does not always contain enough information to satisfy all the Key Items of employment information on its own (for instance, it does not usually include information on the graduate's full-/part-time or long-/short-term status).

Example 3 – Data Protocol 103(a)(2)

Question: In reporting graduate employment data, may a law school rely on an oral communication between a graduate and a dean, professor, or other person employed by the school outside the career services office?

Answer: Yes, a school may rely on oral communication between the graduate and any member of the law school's faculty or administration, provided that the communication is properly documented in the Graduate Employment File as indicated in Data Protocol [104](#).

Example 4 – Data Protocol 103(b)

Question: A graduate has reported their position as a Professional Position. We conduct a phone conversation with the graduate to collect information about the position and/or we collect information about the position from third-party sources. Based upon the information we obtain, we conclude that the position meets the definition for JD Advantage – but the graduate does not agree, and they continue to believe the position is a "Professional Position." Can we use our professional judgment to categorize the job as JD Advantage so long as we include a note indicating why we did that?

Answer: Yes, the school has the authority to override the data reported by the graduate, even in contravention of the graduate's assertions, if the change would be more accurate in the professional judgment of the school. However, proper documentation and/or an explanation for the change is required.

Example 5 – Data Protocol 103(b)

Question: What must a school do when it learns that a Key Item of previously collected employment information, reported by a graduate or otherwise, no longer accurately reflects the graduate's status as of the Graduate Employment Status Date?

Answer: A law school must update Key Items of employment information if it later becomes aware from a reliable source that any aspect of the information no longer reflects the most accurate classification(s) regarding a graduate's employment as of the Graduate Employment Status Date. The reported information must accurately represent the most currently known employment information regarding a graduate as of the Graduate Employment Status Date. See Data Protocol [102](#) for more information on the obligation to maintain, document, and report accurate information. Data Protocol [102, Example 2](#) addresses what to do if the school learns a Key Item needs to be updated between the Graduate Data Reporting Deadline and December 20 of the reporting year.

Example 6 – Data Protocol 103(b)(2) & [104\(b\)\(5\)](#)

Question: The EQ does not have an "unknown" option for reporting Full-Time/Part-Time or Long-Term/Short-Term for an employed graduate. How should a school report on these items when it does not have definitive information from the graduate or other sources?

Answer: In such situations, a school must use reasonable judgment in reporting the graduate employment data and, in the absence of sufficient information to make a reasonable judgment, report the graduate as Part-Time or Short-Term.

However, See Data Protocol [103\(b\)\(2\)](#). When the ABA reviews a school's reported employment data, it will respect reasonable professional judgments regarding the reporting of graduate employment data when appropriately documented with an explanation and the basis for any assumptions made in the reported data. This is a situation that requires the school to carefully consider and justify any decision to choose the most favorable outcome (i.e., Long-Term or Full-Time). The basis to support such conclusions could be numerous, but an example might be knowledge that a particular employer only hires staff attorneys for full-time employment, or that the term of a clerkship with a particular judge is never less than one calendar year. If this is

an assumption that is being made, then the Graduate Employment File should be annotated to reflect how the school arrived at this conclusion.

Example 7 – Data Protocol 103(a)(2)

Question: A graduate lists a job title on LinkedIn and I am not sure if it is a Professional or JD Advantage position. Can I rely on information in a job posting for this position or a similar one at the graduate's employer?

Answer: Yes, you may rely on information contained in a job posting for the graduate's current job or a similar one at the graduate's employer as long as a dated copy of the job posting is added to the Graduate Employment File on or before the Graduate Data Reporting Deadline.

Similarly, if you have questions about whether a particular job or job title is classified as Bar Passage Required, JD Advantage, Professional, or Other, please search for a job posting or online description of duties before contacting the ABA – these sources usually answer many classification questions without the need to request guidance, and that information will likely be requested by the ABA if you decide you still need their guidance.

Example 7 – Data Protocol 103(b)

Question: One of my graduates self-reported they are employed in a Bar Passage Required position as Tax Associate, but Tax Associate is on the JD Advantage presumptions list. Can I leave the graduate classified in a Bar Passage Required position?

Answer: Yes. As long as a graduate's self-report does not give the CSO reason to believe the graduate has misclassified a Key Item, in accordance with Data Protocol [103\(b\)](#), it is permissible to rely upon their self-report without any additional documentation.

DATA PROTOCOL 104. DOCUMENTATION

(a) General Procedures for Documentation

- (1) Responses to the Key Items must be documented in a Graduate Employment File on or before the Graduate Data Reporting Deadline.
- (2) Responses to the Key Items may be obtained from multiple sources, and the related documentation must identify which responses were obtained:
 - (i) Directly from the graduate;
 - (ii) From other sources; and/or
 - (iii) From a mix of sources.
- (3) Where the school uses a survey to collect graduate responses, a copy of the survey reflecting the date it was completed and who completed it must be included in the Graduate Employment File.
- (4) The form and style of documentation, and changes to documentation, used within the Graduate Employment Files are at a school's discretion, but must be:
 - (i) Generally consistent across all the files within a graduating class; and
 - (ii) Sufficient to allow a person who is not a member of the school, or familiar with its individual practices for collecting and documenting employment data, to understand the documentation and how it supports each Key Item of employment information.

- (5) A school may create a cover memorandum in preparation for the Random Graduate Review (Review Protocol [103](#)) explaining the documentation and procedures employed by a school in creating its Graduate Employment Files to assist in any review, but may not use such a memorandum to augment or change documentation in its Graduate Employment Files.
 - (6) Because all documentation is subject to the professional judgment of the school's staff, there is no requirement to include the phrase "In my professional judgment" or any similar phrase when documenting a response.
 - (7) Unsuccessful attempts to obtain information or responses to the Key Items do not need to be tracked or documented in a Graduate Employment File.
 - (8) Each Graduate Employment File must be maintained by a school for no less than three years from the Graduate Data Reporting Deadline.
 - (9) A school must publicly disclose its graduate employment data as set forth in Standard 509 of the ABA's [Standards and Rules of Procedure for Approval of Law Schools](#).
- (b) Documentation of Key Items of employment data can come from numerous sources and in various forms, each requiring appropriate documentation.
- (1) Documentation of responses to Key Items provided by the graduate.
 - (i) Documentation of responses provided directly to the law school by the graduate, such as in email or text messages, must include the following:
 - (a) The identity of the graduate;
 - (b) The date the graduate communicated the data;
 - (c) The means of communication, such as email, phone, messaging, or in-person;
 - (d) The identity of the law school employee in communication with the graduate;
 - (e) Copies of any written or electronic communications; and
 - (f) If the communication is oral, the responses and related documentation should be entered contemporaneously with the communication to ensure accuracy.
 - (ii) Documentation of responses recorded by a law school employee outside the CSO in communication with the graduate must include the following:
 - (a) The identity of the graduate;
 - (b) The date the graduate communicated the data;
 - (c) The means of communication, such as email, phone, messaging, or in-person;
 - (d) The identity of the law school employee in communication with the graduate;
 - (e) Copies of any written or electronic communications; and
 - (f) If the communication is oral, the responses and related documentation should be entered contemporaneously with the communication to ensure accuracy.

- (iii) Graduate responses documented in accordance with the foregoing are, on their face, sufficient to demonstrate both the reliability and accuracy of the information contained therein.
- (2) Authentication is required for surveys containing responses to the Key Items that are entered directly by the graduate or by a law school employee in direct communication with the graduate.
- (i) Hard copy surveys are considered authenticated if:
 - (a) Signed and dated by the graduate;
 - (b) Returned to the school by the graduate via email, and both the email and its attached survey are in the Graduate Employment File on or before the Graduate Data Reporting Deadline;
 - (c) Completed by a CSO staff member with the graduate present, and then reviewed, signed, and dated by the graduate; or
 - (d) Signed and dated by the law school employee indicating:
 - (i) The responses to the Key Items obtained directly from the graduate; and
 - (ii) The means of communication with the graduate.
 - (ii) Electronic surveys are considered authenticated if they are as described by (a), (b), or (c):
 - (a) Electronically signed and dated by the graduate, including:
 - (i) The graduate's typed name or email address; and
 - (ii) The date when the graduate responded to the survey.
 - (b) Electronically signed and dated by the law school employee, including:
 - (i) The identity of the law school employee;
 - (ii) Documentation by the law school employee that the responses to Key Items were obtained by them through communication with the graduate; and
 - (iii) The means of communication with the graduate.
 - (c) The software used to distribute and collect the survey¹:
 - (i) Automatically logs the date and identity of the person entering responses to Key Items, including a graduate or a law school employee; or
 - (ii) Can produce a log of the changes made to the survey as a means of showing who filled out the survey and when.
- (3) Documentation of Key Items of employment information by the CSO through indirect means and third-party sources.

¹ Software like Symplicity and 12twenty Event Logs can be used for this purpose, as can spreadsheets created by other survey software. However, because software is subject to continual changes and updates, it is the responsibility of each law school to ensure that the survey software they use can meet these requirements, including the software packages named herein.

- (i) Documentation of Key Items of employment information obtained through indirect and third-party sources must include the following:
 - (a) The source of the information;
 - (b) The date the information is obtained;
 - (c) A printed or electronic copy of the source of information, such as a PDF or printout of the employer website naming the graduate as an employee, including, wherever possible, an integrated indication of the date the document was printed and the URL;
 - (d) The identity of the CSO staff member or law school faculty or administrator who is documenting the information; and
 - (e) Any narrative necessary to explain the source or reliability of the information obtained, where it is not clear from the document itself.
 - (ii) Where multiple sources of information are used to support a response, each source should be documented as set forth above, and, if necessary, a narrative explanation for the use of multiple sources should be included.
 - (iii) If the source of the information is oral communication, any responses and related documentation should be entered into the Graduate Employment File contemporaneously, or as soon as is practicable, to ensure accuracy.
- (4) Documentation of changes to the Graduate Employment File by the CSO.
- (i) Documentation of changes to the Graduate Employment File by the CSO based on new information should be documented subject to Data Protocol [104\(b\)\(1\) – \(3\)](#), and copies of any prior documentation already included in the file should also be kept in the file as needed to explain the new response.
 - (ii) Documentation of changes to the Graduate Employment File by the CSO based on professional judgment, other than purely ministerial changes, under Data Protocol [104\(b\)\(4\)](#), must include the following:
 - (a) Any source of information relied on to make the change;
 - (b) The date of the change;
 - (c) For changes based on professional judgment, an explanation of the reasoning for the decision; and
 - (d) The identity of the CSO staff member who made and documented the change.
- (5) Lack of Documentation
- (i) Where a law school lacks reliable information or documentation to support a Key Item of employment information, it must, where permitted, report the item as Unknown or Undeterminable.
 - (ii) If the Key Item of employment information does not permit a response of Unknown or Undeterminable, then the least favorable response to the questions must be selected consistent with Data Protocol [103\(b\)](#).
 - (iii) Where a school is unable to obtain any reliable information about a graduate, that graduate must be reported as Unknown, and no

documentation is required to support this conclusion in the Graduate Employment File.

Example 1 – Data Protocol 104

Question: What is the ABA looking for when it reviews a Graduate Employment File?

Answer: The ABA will examine each Graduate Employment File subject to review to determine whether the information in the file:

- 1) Matches the information submitted by the school to the ABA in the EQ; and*
- 2) Supports and properly documents the responses to the Key Items of employment information according to the Data Protocol.*

Example 2 – Data Protocol 104

Question: Does the ABA audit firm size?

Answer: No. The ABA will not audit firm size; however, schools will be notified if numerous and significant discrepancies in firm size are noted (i.e., reporting firms of 2-10 attorneys as firms of 101-250). If a school corrects a graduate-reported firm size, no documentation or explanation is needed for this change as this is a purely ministerial change. See Data Protocol [104\(b\)\(4\)](#).

Example 3 – Data Protocol 104

Question: Is it an appropriate practice for a school to send a graduate an email telling the graduate the employment data that the school plans to submit to the ABA about that graduate, and asking the graduate to let the school know if the information is not correct?

Answer: Yes. Even where the graduate does not respond to the email, as long as there is a sufficient basis for the reported Key Items of employment information and the Graduate Employment File includes appropriate documentation as set forth in the Data Protocol, the school may report the information for the graduate as stated in the email.

Example 4 – Data Protocol 104

Question: Does the ABA require or endorse the use of any employment tracking system?

Answer: No. The ABA is aware that there are online databases that allow students and graduates to log in and directly provide employment information. Graduates have the ability to update their profiles when appropriate. These databases track changes and can export the stored data in an Excel spreadsheet for the school's EQ submission. These programs can also provide other information required by the Employment Protocols in a readily accessible format. The ABA is aware that many law schools contract with companies such as Symplicity and 12twenty for this software. The ABA has cooperated with these companies on some software features, but the ABA does not require or endorse the use of any employment tracking system.

Example 5 – Data Protocol 104

Question: Why do we need to spend so much time documenting dates?

Answer: The main reasons for including dates is to ensure that:

- 1) Employment started on/before the Graduate Employment Status Date; and*
- 2) All information/documentation was obtained or created for the Graduate Employment Files on or before the Graduate Data Reporting Deadline.*

In past years, some Graduate Employment Files had documentation that was dated after the Graduate Data Reporting Deadline or that was not dated at all, meaning either the school failed to timely document the information or the ABA had no way of knowing whether the documentation was timely.

For these reasons, schools must ensure that any screenshots or printouts are dated (either on the documents themselves or through annotation in the Graduate Employment File), and that any notes in the file or changes to the file include who made the note/change and the date this was done, absent a purely ministerial change, as set forth in Data Protocol [104\(b\)\(4\)](#).

Example 6 – Data Protocol 104(a)(1)

Question: If we receive documentation from a graduate after the Graduate Data Reporting Deadline confirming a professional judgment we made, should we exclude that from the file because it is received after the Graduate Data Reporting Deadline?

Answer: Yes. The documentation included in a Graduate Employment File, for reporting purposes, is frozen as of the Graduate Data Reporting Deadline unless you report a change to the ABA by December 20 as stated in [Data Protocol 102, Example 2](#).

Example 7 – Data Protocol 104(a)(2)

Question: Is a graduate's resume sufficient documentation for Key Items of employment data found in the resume?

Answer: Yes, provided that the Graduate Employment File indicates when the law school received the resume from the graduate. The school may document the date of receipt through a notation in the Graduate Employment File or by taking a screenshot showing the date the resume was uploaded to the school's employment tracking system. See [Appendix E](#), indicating that a resume is considered a reliable source.

Example 8 – Data Protocol 104(a)(3)

Question: We maintain a physical binder for each class year that contains graduate surveys and any additional documentation (screen shots, printouts, etc.). The screen shots and printouts stay in the binder; they are not scanned and uploaded to each Symplicity record. Is this OK?

Answer: Each school has its own way of storing and maintaining Graduate Employment Files. If some information is stored electronically and some is in a physical file, this is sufficient if 1) nothing is added after the Graduate Data Reporting Deadline in either location; and 2) you upload all information from both places when Graduate Employment Files are requested by the ABA.

While not mandatory, the ABA strongly encourages Career Services Offices to maintain Graduate Employment Files in electronic form and to make backup copies. This is because if a Graduate Employment File is lost or destroyed, the ABA will be unable to confirm the reported graduate employment data and the record keeping will be deemed deficient.

Example 9 – Data Protocol 104(a)(7)

Question: Where a school does not have information or documentation regarding one or more of the Key Items of employment information, must it document the efforts that it has made to obtain those items? For example, where a school reports a graduate's employment status as Unknown, must the Graduate Employment File include documentation of the school's attempts to obtain employment information from the graduate?

Answer: No. While it is essential that a Graduate Employment File include appropriate documentation for all reported Key Items of employment information, it need not include documentation of unsuccessful attempts to obtain information. Furthermore, no documentation is required when a graduate is reported as Unknown.

Example 10 – Data Protocol 104(a)(8)

Question: How long are schools required to maintain documentation of a graduate’s employment data?

Answer: Schools must maintain all records relating to their reporting of employment data for three years from the Graduate Data Reporting Deadline for that class. For example, records of graduate employment data for the class of 2018, reported in April 2019, must be maintained until at least April 2022.

Example 11 – Data Protocol 104(b)

Question: If the information in a survey is later amended, what documentation is necessary?

Answer: Where the graduate is personally amending the response in the survey, Data Protocol [104\(b\)\(1\)](#) applies. If the amendment is being made by a law school employee, then Data Protocol [104\(b\)\(4\)](#) applies, requiring the school employee to document and/or explain the basis for the change and still meet any other applicable requirements in the other parts of Data Protocol [104](#).

Example 12 – Data Protocol 104(b)

Question: When documenting a Key Item of employment information or a change to a Key Item, do I need to enter both the time and the date the entry was made?

Answer: Only the date is required. If the documentation supporting the Key Item in the Graduate Employment File has a date stamp, as is the case when you print out many web pages, the date stamp on that document is sufficient to show when you obtained the information. If the documentation does not include a date stamp, then handwriting the date on the document is sufficient. Likewise, if you have a page with administrative notes in the Graduate Employment File, you could add a note referencing the supporting documentation and the date you printed the information and added it to the file. All documentation, printouts, and administrative notes must be obtained or created for the Graduate Employment File on or before the Graduate Data Reporting Deadline.

Example 13 – Data Protocol 104(b)

Question: Is the date I printed a copy of an employer’s website showing a graduate was employed there sufficient to show the graduate was employed on or before the Graduate Employment Status Date?

Answer: If the date indicated on the printed document or noted in the administrative notes was on or before the Graduate Employment Status Date then, absent some indication to the contrary, the document will be sufficient to show the graduate was employed on or before that date.

Example 14 – Data Protocol 104(b)(1)

Question: What documentation is necessary for reported Key Items of employment information obtained through email communication?

Answer: The Graduate Employment File must include a copy of the email that includes the date of the email, the names of the parties to the email, and the Key Items of employment information that it supports.

Example 15 – Data Protocol 104(b)(1), 104(b)(2) & 104(b)(3)

Question: What documentation is necessary for reported Key Items of employment information obtained through oral communications?

Answer: Where the only source of a reported Key Item of employment information is a telephone call or other oral communication with the graduate or an acceptable third party, the communication for each Key Item must be individually documented in accordance with Data Protocol [104\(b\)\(1\)](#) and [104\(b\)\(3\)](#), respectively. Because the information is being received in oral form, the law school employee should take notes as contemporaneously as possible.

Example 16 – Data Protocol 104(b)(4)

Purely ministerial changes are changes that do not affect the quality of the graduate's response, but merely correct a minor error. Thus, correcting the name of an employer that was misspelled is ministerial, whereas changing terms of employment from short-term to long-term is not ministerial. Ministerial changes also include things like correcting the address of the employer or adjusting the firm size.

Example 17 – Data Protocol 104(b)(5)

Question: If a Graduate Employment File containing documentation is lost or destroyed, or the school otherwise believes a graduate is employed but it does not have supporting documentation, can the school still report the graduate as employed?

Answer: No. If a graduate's employment data cannot be properly documented, the graduate may not be reported as employed.

Example 18 – Data Protocol 104(b)(5)

Question: What if a school does not have information or documentation regarding a Key Item of a graduate's employment information?

Answer: Where a school does not have information or documentation for one or more Key Items of employment information for a graduate, it must report the item as "unknown" or "undeterminable" where permitted (i.e., Employment Status and Employment Type).

Where sufficient documentation does not exist to support other Key Items, the least favorable option must be chosen. Thus, as between Long-Term and Short-Term, Short-Term must be selected. Likewise, as between Full-Time and Part-Time, Part-Time must be selected.

Where the school has information that the graduate is unemployed, the graduate must be reported as Unemployed and not as Employment Status Unknown. However, see [Data Protocol 209, Example 2](#) for graduates who classified themselves in an Unemployed category on an at-graduation survey and who do not respond to outreach and lack an online presence.

Example 19 – Data Protocol 104(b)(3) & 104(b)(5); See also Data Protocol [103\(a\)\(2\)](#)

Question: What if a graduate does not provide the school with their graduate employment data?

Answer: As long as the information reported by a school is complete, accurate, and not misleading, and the reported information is properly documented per the Data Protocol, the

school will be in compliance. Thus, information may be obtained by contacting employers or using reliable publicly available sources, such as employer websites, state licensing authorities, and approved social media websites including LinkedIn, Facebook, and Twitter (See [Appendix E](#)). If the Key Items of employment information cannot be found for a graduate, the graduate must be reported as Unemployed – Seeking or Unknown.

Example 20 – Data Protocol 104(b)(5); See also Data Protocol [103\(b\)\(2\)](#)

Question: The EQ does not have an “unknown” option for reporting Full-Time/Part-Time or Long-Term/Short-Term for an employed graduate. How should a school report on these items when it does not have definitive information from the graduate or other sources?

Answer: In such situations, a school must use reasonable judgment in reporting the graduate employment data and, in the absence of sufficient information to make a reasonable judgment, report the graduate as Part-Time or Short-Term.

However, See Data Protocol [103\(b\)\(2\)](#). When the ABA reviews a school’s reported employment data, it will respect reasonable professional judgments regarding the reporting of graduate employment data when appropriately documented with an explanation and the basis for any assumptions made in the reported data. This is a situation that requires the school to carefully consider and justify any decision to choose the most favorable outcome (i.e., Long-Term or Full-Time). The basis to support such conclusions could be numerous, but an example might be knowledge that a particular employer only hires staff attorneys for full-time employment, or that the term of a clerkship with a particular judge is never less than one calendar year. If this is an assumption that is being made, then the Graduate Employment File should be annotated to reflect how the school arrived at this conclusion.

Example 21 – Data Protocol 104

To help guide the decision-making and documentation processes, see the flowchart included in [Appendix G](#).

Example 22 – Data Protocol 104(b)(1) & 104(b)(3)

When speaking on the phone or in-person with the graduate (or permissible third party), note if you filled in the survey with that person during the interaction. If you instead took notes during the interaction, include the notes and any explanations to show that all key items were obtained. If some but not all key items were obtained, ensure it is clear which were obtained during the conversation and which were obtained elsewhere. Additionally, if you contact a graduate or permissible third party to confirm any key items, describe in a note which key items were confirmed or if all key items were confirmed.

Example 23 – Data Protocol 104

A graduate whose employer and position is the same before/during law school and after law school must be appropriately classified according to [Appendix E](#) or other sufficient documentation addressed in Data Protocol [104](#).

EMPLOYMENT STATUS

DATA PROTOCOL 201.

GENERAL REQUIREMENTS – EMPLOYMENT STATUS

- (a) A graduate must be reported under one category of Employment Status, as set forth in Data Protocols [202](#) through [212](#).
- (b) When reporting a graduate as Employed under Data Protocols [202](#) through [207](#), a school must include the following information:
 - (1) In the EQ:
 - (i) The state in which the graduate is Employed; or
 - (ii) The foreign country in which the graduate is Employed.
 - (2) In the Graduate Employment File:
 - (i) The employer's full mailing address; or
 - (ii) The employer's website; or
 - (iii) The employer's email address.
- (c) A graduate may not be reported as Employed under Data Protocols [202](#) through [207](#) if the graduate does not receive remuneration for work performed (as defined in Data Protocol [101\(b\)\(22\)](#)) as of the Employment Status Date, even if the position may ultimately lead to a remunerated position.
- (d) Notwithstanding Data Protocol [201\(c\)](#), a graduate who is on Leave or has entered into an Irrevocable Commitment for Military Service as of the Graduate Employment Status Date, should be reported as Employed under Data Protocols [202](#) through [207](#) if:
 - (1) The graduate's status fulfills the requirements for being on Leave or having made an Irrevocable Commitment for Military Service, as set forth in Data Protocol [101\(b\)\(19\)](#) and Data Protocol [101\(b\)\(16\)](#) respectively;
 - (2) The graduate is not employed in any other capacity as of the Graduate Employment Status Date; and
 - (3) The graduate otherwise meets the requirements to be reported as Employed under Data Protocols [202](#) through [207](#).
- (e) No documentation is necessary for graduates reported as Unemployed or Unknown.
- (f) Notwithstanding Data Protocol [103\(b\)](#), which describes a school's obligation to correct misreported classifications per the requirements set forth in these Employment Protocols, schools do not need to re-classify graduates, or otherwise include additional documentation, when graduates self-report an Employment Status higher than provided for in the [Appendix E](#) presumptions lists unless they have reason to believe the graduate's response is inaccurate as provided in Data Protocol [103\(b\)](#).

Example 1 – Data Protocol 201(d)

If the graduate has starting working before the Graduate Employment Status Date, but is not working on the Graduate Employment Status Date, due to circumstances addressed in Data Protocol [201\(d\)](#), they can still be reported as Employed under Data Protocols [202](#) through [207](#). As long as the graduate will resume the work they started prior to the Graduate Employment Status Date after the Graduate Employment Status Date, their temporary leave does not change the determination.

Example 2 – Data Protocol 201(d)

If the graduate has a start date delayed until after the Graduate Employment Status Date, due to circumstances not listed above (such as a vacation or studying for the bar exam), they must be reported as Employed – Start Date Deferred if the requirements of Data Protocols [208](#) are met, or reported under another Employment Status category set forth in Data Protocols [209](#) through [212](#).

Example 3 – Data Protocol 201

If the graduate is employed on the Graduate Employment Status Date while they are on leave from other employment, or because their start date for other employment is delayed, pursuant to the circumstances outlined in Data Protocol [201\(d\)](#), the graduate is considered to be working in more than one job on the Graduate Employment Status Date. Therefore, a school may choose which position to report. Importantly, the school must report one, and only one, of the two positions. It may not combine the positions.

Example 4 – Data Protocol 201(f)

A graduate who self-reports they are employed in a Bar Passage Required position as an Accountant can be reported in a Bar Passage Required position, even though this job title is on the JD Advantage presumptions list. Similarly, a graduate who self-reports they are employed in a Professional position as a Bank Teller can be reported in a Professional position, even though the job title is on the Other Position presumptions list.

DATA PROTOCOL 202. EMPLOYED – BAR PASSAGE REQUIRED

(a) Requirements

- (1) A graduate should be reported as Employed – Bar Passage Required if:
 - (i) The graduate receives remuneration for the work performed;
 - (ii) The graduate is Employed as of the Graduate Employment Status Date;
 - (iii) From the perspective of the employer, the graduate is employed in a position that in fact requires or will require the graduate to pass a bar exam or be authorized to practice law in one or more jurisdictions; and
 - (iv) The position does not come within the definition of a Law School/University Funded position, as set forth in Data Protocol [206](#).
- (2) Positions that require a graduate to pass a bar exam or be authorized to practice law in a jurisdiction after beginning employment in order to retain the position are included in this category.
- (3) If, as of the Graduate Employment Status Date, graduates with job titles that will automatically change/automatically convert, upon passing the bar or being authorized to practice law, to one of the job titles included in the "Employed – Bar Passage Required" section of [Appendix E](#), can be reported as "Employed – Bar Passage Required" as long as appropriate documentation of the job title automatically changing/converting is included in the Graduate Employment File.

(b) Presumptions, Considerations, and Exceptions

- (1) Absent contrary information, no additional documentation is required for Employed – Bar Passage Required for graduates in positions with the job titles included in the applicable section of [Appendix E](#), because these positions are presumed to meet the requirements of Data Protocol [202\(a\)\(1\)\(iii\)](#).
- (2) The reporting of a position as Employed – Bar Passage Required is not affected by an employer's use of a temporary or lesser title, so long as:
 - (i) The graduate or employer is the source of the information; or
 - (ii) The basis for the reported status is properly documented by the school.
- (3) The reporting of a position as Employed – Bar Passage Required is not affected by the failure of the graduate to pass the bar exam or be authorized to practice law, unless, as of the Graduate Employment Status Date:
 - (i) The graduate's employer has changed the terms of the employment to no longer require the graduate to pass a bar exam and be authorized to practice law in one or more jurisdictions; or
 - (ii) The graduate's employment has been terminated.

Example 1 – Data Protocol 202

Question: If the graduate is working as an associate but is not on the firm website, or is listed as a law clerk on the firm website, is the graduate's representation of themselves as an associate sufficient to classify them as Bar Passage Required, Full-Time, and Long-Term?

Answer: You can always rely on the response given by the graduate, absent reliable information to the contrary. A graduate hired as an "Associate" will often be listed temporarily as a law clerk on the firm's website until they are licensed and change/convert to an "Associate" (due to attorney licensing regulations).

Separately, if you are asking about the title being an "Associate" and what that allows you to presume, then you need to look to the presumptions in the sections on Long-Term, Full-Time, and Bar Passage Required, presented in Data Protocols [301\(b\)](#), [302\(b\)](#) and [202](#), respectively.

Example 2 – Data Protocol 202

Question: I am a bit confused regarding graduates who were hired into a Bar Passage Required position, but who do not pass the Bar Exam, yet continue to work for their law firm. How should I report them?

Answer: If the graduate was hired to take on the role of a licensed attorney after they passed the bar exam and were authorized to practice law, and the employer is keeping them on and allowing them to take the bar exam again, while still intending that the graduate will take on the full licensed attorney role, then you would continue to report the graduate as Bar Passage Required. If, on the other hand, the job will not change/convert to that full attorney role, then you must change it from Bar Passage Required to a more appropriate category.

Example 3 – Data Protocol 202

Question: It sounds like a graduate can still have a non-attorney title and be classified as Bar Passage Required even if they were not hired with the expectation of changing/converting to an attorney position upon bar passage. Is this correct?

Answer: Yes, as described in the following situations:

1) The graduate is licensed or authorized to practice law and is actually performing duties that require a law license or authorization to practice law on or before the Graduate Employment Status Date, despite having no expectation that the position will be changed/converted by the employer to a position with an attorney title. See Data Protocol [202\(a\)\(1\)\(iii\)](#).

2) The graduate is not yet performing duties that require a law license or authorization to practice law but has been informed by their employer after they were hired but on or before the Graduate Employment Status Date that they will change/convert to an attorney position upon bar passage.

3) The graduate is not and will not perform duties that require a law license or authorization to practice law in the position; however, their employer nonetheless requires bar passage, law licensure, or authorization to practice law for the position, regardless of the graduate's actual title (law clerk or otherwise).

Example 4 – Data Protocol 202

Question: You mentioned that if a graduate fails the bar exam, their job category may still be Bar Passage Required unless the job changes. If a graduate has an associate position and fails the bar exam and the firm keeps the graduate on, the graduate cannot practice as an attorney. Wouldn't the job change significantly?

Answer: No. In this situation, the graduate was hired to be an attorney and the employer expects to have the graduate working as an attorney as soon as Bar Passage is achieved. The employer's intention is that the graduate will pass the bar exam and be licensed as an attorney. This intention is sufficient to support reporting the graduate as Bar Passage Required.

A paralegal position can only be classified as Bar Passage Required if the graduate is currently called a paralegal but has been informed by their employer upon hiring or after they were hired but on or before the Graduate Employment Status Date that they will automatically change/convert to an attorney position upon bar passage.

Example 5 – Data Protocol 202

Question: How should judicial clerks be classified?

➤ *Answer: All graduates serving as judicial clerks should be classified as having Bar Passage Required positions. No documentation is needed for this classification due to the long-standing practice of including these jobs in the Bar Passage Required category. A graduate who is a judicial clerk can still be classified as Bar Passage Required even if the graduate has not yet passed the bar exam or if Bar Passage is not required for the job.*

Example 6 – Data Protocol 202(b)(1)

Question: I understand that we can presume Bar Passage Required, Full-Time, and Long-Term for graduates who report themselves as an "Associate" at a law firm. What if they report as "Attorney," "Staff Attorney," or other title that is not "Associate?" May the same presumptions be made?

Answer: The ABA has determined that the term "Associate" traditionally refers to a Bar Passage Required, full-time, open-ended term of employment, but that the terms "Attorney" or "Staff Attorney" do not have the same historical connotation. Thus, only an "Associate" at a law firm can be presumed to be Bar Passage Required, Full-Time, and Long-Term, unless the school knows that the firm does not hire associates on these terms. However, a school may presume that "Attorney" or "Staff Attorney" are Bar Passage Required positions.

Example 7 – Data Protocol 202(b)(2)

Question: A graduate starts their Army JAG service on April 20, 2022, after the Graduate Employment Status Date. They are not employed by the Army JAG (or anywhere else) as of the Graduate Employment Status Date, but they took their oath of service on March 1, 2022, and cannot get out of their JAG service. Can I classify them as Employed – Bar Passage Required, or are they considered Employed – Start Date Deferred?

Answer: Under Data Protocol [201\(d\)\(2\)](#), a graduate in any branch of the JAG Corps is considered to be Employed – Bar Passage Required if, from the perspective of the service branch they have joined, they have entered into an irrevocable commitment to fulfill their service obligation, such as taking an oath of service.

However, if the graduate has a start date with a JAG Corps after the Graduate Employment Status Date, but has not entered into an irrevocable commitment to fulfill their service obligation on or before the Graduate Employment Status Date, they should be categorized as Employed under Data Protocols [202](#) through [207](#) if they are working in another job on the Graduate Employment Status Date or Employed – Start Date Deferred if they meet the requirements of Data Protocol [208](#).

Example 8 – Data Protocol 202(b)(2)

A graduate who has started service as a non-reserve component JAG or who has entered into an irrevocable commitment to fulfill their service obligation as a non-reserve component JAG on or before the Graduate Employment Status Date has a firm commitment to serve full-time for a specified number of years (usually 3-4 years). As such, schools may presume without documentation that these positions are Bar Passage Required, Full-Time, and Long-Term if they are unable to obtain the Bar Passage Required, Full-Time, and Long-Term information directly from the graduate.

Example 9 – Data Protocol 202

A graduate cannot be presumed to be in a Bar Passage Required or JD Advantage job from a Bar Directory listing that does not list the graduate's title. For instance, if a graduate is listed in a Bar Directory and notes a law firm address but no title, you cannot assume they are in a Bar Passage Required or JD Advantage job without more information.

Example 10 – Data Protocol 202(a)(3)

If whether a graduate will work in a Bar Passage Required capacity after the Graduate Employment Status Date will not be determined until after bar results, or is dependent on other factors (e.g., the employer's finances, the results of a potential promotion, or other contingencies), the graduate must be classified according to the terms of their position as of the Graduate Employment Status Date.

Example 11 – Data Protocol 202(a)(3)

Graduates who are informed, on or before the Graduate Employment Status Date, that they will be promoted to work in a Bar Passage Required capacity, can be classified as Bar Passage Required even when their promotion has not taken effect by the Graduate Employment Status Date.

DATA PROTOCOL 203. EMPLOYED – JD ADVANTAGE

(a) Requirements

- (1) A graduate should be reported as Employed – JD Advantage if:
 - (i) The graduate receives remuneration for the work performed;
 - (ii) The graduate is Employed as of the Graduate Employment Status Date;
 - (iii) The possession of a JD by the graduate was:
 - (a) Sought or required by the employer;
 - (b) Is common among others employed in the same type of job; or
 - (c) Provided a demonstrable advantage in performing the position's legal-related duties as identified from a reliable source, including a job posting for the same job or a similar job with the graduate's employer or with a similar employer;
 - (iv) The duties of the position do not require passage of the bar exam or authorization to practice law or involve practicing law; and
 - (v) The position does not come within the definition of a Law School/University Funded position, as set forth in Data Protocol [206](#).

(b) Presumptions, Considerations, and Exceptions

- (1) Absent contrary information, no additional documentation is required for Employed – JD Advantage for graduates in positions with the job titles included in the applicable section of [Appendix E](#), because these positions are presumed to meet the requirements of Data Protocol [203\(a\)\(1\)\(iii\)](#) and [\(a\)\(1\)\(iv\)](#).
- (2) Because the applicable list of employers, duties, and titles associated with Employed – JD Advantage positions is expansive:
 - (i) If the graduate is the source of the reported information, and the school has no basis to question the graduate's conclusion, no additional documentation is necessary, but
 - (ii) If the graduate is not the source of the information, the school must document its professional judgment in reporting the position as Employed – JD Advantage.

Example 1 – Data Protocol 203

Graduates can land an immense array of jobs that come under the Employed – JD Advantage category. To help in classifying the graduate's job, Data Protocol [203\(b\)\(1\)](#) and [Appendix E](#) provide some examples of positions that qualify as Employed – JD Advantage. However, these are not exhaustive lists. School staff members must apply their professional judgment in assessing whether the graduate's specific job meets the requirements for JD Advantage, and then must document that conclusion accordingly. While this can be a burden, keep in mind that the ABA will respect reasonable professional judgments regarding the reporting of graduate employment data when appropriately documented with an explanation and basis for any assumptions made.

JD Advantage jobs may be found in a variety of industries, including:

- 1) *Accounting or tax firms;*
- 2) *Colleges and Universities (including athletics, academics, student services, etc.);*

- 3) Compliance departments in business, industry, and elsewhere;
- 4) Consulting firms;
- 5) Hospitals and health systems;
- 6) Human Resources departments;
- 7) Investment banks; and
- 8) Law Firms.

Example 2 – Data Protocol 203

Some employers may give graduates a salary increase or bonus for earning their JD degree or passing the bar exam. This extra compensation will not automatically change/convert a position into a JD Advantage position or Bar Passage Required position, respectively. What matters to the classification of the job is whether the employer's perspective and the day-to-day job duties meet the requirements in Data Protocol [202](#) or Data Protocol [203](#).

Example 3 – Data Protocol 203

Question: A graduate works as a high school teacher. Since they are a licensed attorney, the principal has asked them to do some occasional legal work to ensure the school is complying with certain state regulations. Should this graduate be classified as JD Advantage?

Answer: No. In order to classify a graduate as JD Advantage, the graduate's primary job duties must meet the requirements of Data Protocol [203](#). Doing occasional legal or compliance work as part of a primarily non-JD Advantage job is not enough to "convert" it into a JD Advantage job. In this case, the graduate's primary job is high school teaching, so they should be classified as in a Professional Position under Data Protocol [204](#).

Example 4 – Data Protocol 203

Some graduates may be in legal fellowships where their title is Legal Fellow. There is no automatic presumption of Bar Passage Required for the title Legal Fellow. Legal Fellows are presumed to be JD Advantage unless they meet the requirements of Data Protocol [202](#). For example, a legal fellow who is required to be licensed to represent clients in the public defender's office would be Bar Passage Required, whereas a legal fellow who does research on access to justice would be JD Advantage.

Example 5 – Data Protocol 203

A graduate running for political office should be classified as Employed in an Employment Status that reflects the position for which they are running (see [Appendix E](#) for some presumptions), but only if they are paid a salary by their campaign. If they are not paid a salary by their campaign, classify them according to the job they hold while running for office or classify as Unemployed – Not Seeking if they are not paid a salary by the campaign and are not otherwise employed.

DATA PROTOCOL 204. EMPLOYED – PROFESSIONAL POSITION

(a) Requirements

- (1) A graduate should be reported as Employed – Professional Position if:

- (i) The graduate receives remuneration for the work performed;
- (ii) The graduate is Employed as of the Graduate Employment Status Date;
- (iii) The position requires professional skills or training, managerial or supervisory responsibilities, or the regular use of professional judgment from the perspective of the employer;
- (iv) The graduate is employed in a skilled trade job;
- (v) The possession of a JD did not provide a demonstrable advantage in obtaining or performing the role:
 - (a) From the perspective of the employer; or
 - (b) Based on the duties as identified from a reliable source, including a job posting for the same job or a similar job with the graduate's employer or with a similar employer; and
- (vi) The position does not come within the definition of a Law School/University Funded position, as set forth in Data Protocol [206](#).

(b) Presumptions, Considerations, and Exceptions

- (1) Absent contrary information, no additional documentation is required for Employed – Professional Position for graduates in positions with the job titles included in the applicable section of [Appendix E](#), because these positions are presumed to meet the requirements of Data Protocol [204\(a\)\(1\)\(iii\)](#) and [\(a\)\(1\)\(iv\)](#).

Example 1 – Data Protocol 204

While a JD may be helpful in setting up or incorporating a business, this alone is not enough to classify a position as JD Advantage. Thus, graduates who start or run their own business should be classified according to their primary job duties.

Example 2 – Data Protocol 204

Every position requires some skills or training, but that does not automatically mean the graduate should be classified as Employed – Professional Position. It is important to consider the position's requirements holistically, and as compared to the Employed – Professional Position and Employed – Other Position positions accounted for in their respective presumptions lists in [Appendix E](#).

**DATA PROTOCOL 205. EMPLOYED – OTHER POSITION *

(a) Requirements

- (1) A graduate should be reported as Employed – Other Position if:
 - (i) The graduate receives remuneration for the work performed;
 - (ii) The graduate is Employed as of the Graduate Employment Status Date;
 - (iii) The position does not require any special professional skills or training that would otherwise require the position to be reported as Employed – Professional Position under Data Protocol [204](#); and

- (iv) The position does not come within the definition of a Law School/University Funded position, as set forth in Data Protocol [206](#).

(b) Presumptions, Considerations, and Exceptions

- (1) Absent contrary information, no additional documentation is required for Employed – Other Position for graduates in positions with the job titles included in the applicable section of [Appendix E](#), because these positions are presumed to meet the requirements of Data Protocol [205\(a\)\(1\)\(iii\)](#).

Example 1 – Data Protocol 205(b)(1)(vi)

"Performing Artist" captures a wide variety of positions. Some of these positions may be classified as Employed – Professional Position and others may be Employed – Other Position. To classify a performing artist as Employed – Professional Position, the graduate should have some of the following attributes: member in a professional association or performing cast, troupe, or company; has representation by an agent or attorney; or has a formal contract to perform. Graduates who work as performing artists in more of a gig-work setting, or who, though performing regularly, do not have a formal contract or agreement with the venues in which they perform, should be classified as Employed – Other Position.

Example 2 – Data Protocol 205(b)(1)(viii)

The work of receptionists, administrative assistants, and secretaries may vary based on the employer and the assigned duties. If a graduate is a receptionist, administrative assistant, or secretary that is conducting program management, statistical analysis, event management, or other duties requiring professional skills, classify them as Employed – Professional Position. If the graduate's duties are strictly clerical in nature, classify them as Employed – Other Position. Generally, the best option is to classify the graduate in the category of their presumption and then obtain additional information to see if the graduate can be moved up to a higher category. This may require schools to reach out to the graduate to obtain more information about the job duties.

DATA PROTOCOL 206. EMPLOYED – LAW SCHOOL/UNIVERSITY FUNDED POSITION

(a) Requirements

- (1) A graduate should be reported as Employed in a Law School/University Funded Position if:
 - (i) The graduate receives remuneration for the work performed;
 - (ii) The graduate is Employed as of the Graduate Employment Status Date; and
 - (iii) The graduate is either:
 - (a) Employed by the Law School or its Parent Institution; or
 - (b) Exclusive of benefits, the Law School or its Parent Institution, directly or indirectly, in whole or in part, funds any portion of the graduate's salary, stipend, wages, or other remuneration, including:

- (1) Donations solicited by or on behalf of the Law School or its Parent Institution; or
 - (2) Grants obtained by the Law School or its Parent Institution.
- (2) Any graduate whose employment is subject to Data Protocol [206\(a\)\(1\)](#) must be classified as Employed – Law School/University Funded, regardless of the amount of funding they receive from the Law School or its Parent Institution.
 - (3) Notwithstanding Data Protocol [206\(a\)\(1\)](#), a graduate who satisfies the conditions set forth below may not be reported as employed in a position that is Employed – Law School/University Funded, and must instead be reported as Employed under one of the other Employment Status classifications.
 - (i) As documented in the graduate file, from the perspective of the Law School or its Parent Institution, the position is expected to last for a term of one calendar year or more;
 - (ii) As documented in the graduate file, the total salary, wages, stipend, or other remuneration the graduate receives for the work performed, including sums from the Law School or its Parent Institution and any other funding source, exclusive of benefits, is equal to or exceeds \$40,000 per year; and
 - (iii) As documented in the graduate file, the position, and all of its funding, are advertised and open to qualified graduates from all ABA-approved law schools.
 - (4) Notwithstanding Data Protocol [206\(a\)\(1\)](#), a graduate is not considered to be in a position that is Employed – Law School/University Funded if:
 - (i) The graduate was employed by the Law School or its Parent Institution before starting law school; and
 - (ii) Continues to be employed in the same or a similar position as of the Graduate Employment Status Date.
 - (5) Because the Law School or its Parent Institution inherently must know if a position is a Law School/University Funded position, or is exempt from the definition, the burden of providing and documenting the Key Items of employment information is on the law school and does not depend on the information the graduate may provide.
 - (6) Notwithstanding Data Protocols [202\(a\)\(1\)\(iv\)](#), [203\(a\)\(1\)\(v\)](#), [204\(a\)\(1\)\(v\)](#), and [205\(a\)\(1\)\(iv\)](#), schools using the Employed – Law School/University Funded classification must also follow the guidance in this document to report one other Employment Status category, designating the graduate as Employed – Bar Passage Required, Employed - JD Advantage, Employed - Professional Position, or Employed - Other Position, in order to correctly populate all sections of the Employment Summary Report.

Example 1 – Data Protocol 206

A position paying \$40,000 a year or more in the office of a university's general counsel with no expected end date, or a position as a faculty member with no expected end date, are likely examples of positions that would not be considered "Employed – Law School/University Funded" despite the technical status of the graduate on the payroll of the Law School or

University. This is because these jobs are expected by the law school to last a calendar year or longer; they pay \$40,000 or more per year; and they are advertised and genuinely open to graduates from any ABA-approved law school. On the other hand, a research role in a law school library that is long-term but that is not open to graduates of other schools would be considered “Employed – Law School/University Funded.”

When reporting a position at the Law School or its Parent Institution in a different category than Law School/University Funded under Data Protocol [206\(a\)\(3\)](#), a school must document how the position meets the three requirements to come out of the Employed – Law School/University Funded category.

Example 2 – Data Protocol 206

A position is funded directly if the graduate is on the payroll of the Law School or its Parent Institution. A position is funded indirectly if the Law School or its Parent Institution funds another institution in any way and in any amount to pay the salary. A position is also funded indirectly if it is paid through funds solicited from or donated by an outside supporter of the Law School or its Parent Institution.

Thus, a position in the law library is funded directly by the Law School or its Parent Institution. A position in a legal services office or a law firm that is funded in any amount by the Law School or its Parent Institution (either by the Law School or its Parent Institution or solicited from or donated by an outside supporter of the Law School or its Parent Institution) is funded indirectly by the Law School or its Parent Institution.

Example 3 – Data Protocol 206

Examples of when a position is funded through donations solicited by or on behalf of the Law School or its Parent Institution include: 1) The law school raises funds to support fellowships for graduates in public service, 2) A law school donor agrees to fund a position for a graduate who found a position that would otherwise be unfunded, usually in public interest, or 3) An outside organization raises money to be used to fund fellowships solely for graduates of one particular law school.

Example 4 – Data Protocol 206

A position is funded through a grant when the Law School or its Parent Institution receives money from an outside entity (government, corporation, foundation, etc.) and the Law School or its Parent Institution uses that money to pay the salary, stipend, or wages for work performed (in whole or in part) of the graduate.

Example 5 – Data Protocol 206

If any part of the position is funded by the Law School or its Parent Institution, the position is a Law School/University funded position unless it meets all the requirements of Data Protocol [206\(a\)\(3\)](#). This is true even if the school and employer each pay an amount or percentage of the salary.

For example, a local Legal Aid organization hires graduates for a one-year fellowship and provides a stipend of \$20,000 for a position that is open to any law school graduate. Law School X then offers its graduates an extra \$20,000 if they accept the Legal Aid position; however, this additional funding is only available to the graduates of Law School X. Should this position be regarded as Law School/University Funded or not?

The critical judgment the CSO must make is whether paying a graduate \$20,000 a year for the Legal Aid position is sufficient remuneration, on its own, that a graduate of a law school would take the position absent additional funding. If a law school graduate would take the job for a mere \$20,000 per year, then the position can be regarded as genuinely open to all law school graduates and should not be reported as Law School/University Funded. However, if a graduate would only take the position if they received additional funding from their law school, then the position should be reported as Law School/University Funded, because while the position is ostensibly open to anyone, as a practical matter, it is in reality only open to a graduate who would receive additional funding from their law school.

If you are confronted with a similar situation, record the factual circumstances in the graduate's file and explain your professional judgments in classifying Employed – Law School/University Funded or not.

Example 6 – Data Protocol 206

A graduate participating in Gideon's Promise must be reported as Employed – Law School/University Funded if, as of the Graduate Employment Status Date, the graduate is funded by their Law School or its Parent Institution. However, a graduate participating in Gideon's Promise may be reported in a different category if, as of the Graduate Employment Status Date, the graduate is fully funded by their public defender's office.

Example 7 – Data Protocol 206(a)(3)(iii)

Question: Is it permissible for a job posting to include a preference for hiring graduates from the Law School or Parent Institution?

Answer: Yes. However, the job posting should not include preferred qualifications that are so narrow that only your graduates are fairly considered. Examples of these preferred qualifications include academic or experiential experiences exclusive to the Law School or Parent Institution, except where your Law School or Parent Institution produces graduates with unique qualifications.

Example 8 – Data Protocol 206(a)(4)(ii)

A graduate who begins as an academic advisor before law school, continues in this position during law school, and is hired for a faculty position after law school is considered to be in a Law School/University Funded position unless the requirements of Data Protocol [206\(a\)\(3\)](#) apply and are appropriately documented. This graduate does not meet the Data Protocol [206\(a\)\(4\)\(ii\)](#) exemption requirement because the graduate is not in the same or a similar job.

Example 9 – Data Protocol 206(a)(4)(ii)

Question: One of my graduates was employed as a faculty member prior to starting law school and was promoted to a tenure track Associate Dean role within the same department after law school. Does this graduate still meet the Data Protocol [206\(a\)\(4\)\(ii\)](#) exemption requirement?

Answer: Yes. Though the graduate is in a new role, as of the Graduate Employment Status Date, they continue to be employed in a similar capacity as they were before starting law school. In this example the "similar capacity" is the graduate's role as a faculty member. While pre-law school and post-law school roles can be telling, they are not dispositive. The school can also compare job responsibilities or descriptions. A school must use reasonable judgment in determining whether a graduate meets the Data Protocol [206\(a\)\(4\)\(ii\)](#) exemption requirement

and, in the absence of sufficient information to make a reasonable judgment, report the graduate as Employed – Law School/University Funded.

DATA PROTOCOL 207. EMPLOYED – UNDETERMINABLE

(a) Requirements

- (1) A graduate should be reported as Employed – Undeterminable if:
 - (i) The graduate receives remuneration for the work performed;
 - (ii) The graduate is Employed as of the Graduate Employment Status Date;
 - (iii) The school cannot obtain sufficient information to categorize the graduate as Employed in any of the Employed categories under Data Protocols 202 through 205; and
 - (iv) The position does not come within the definition of a Law School/University Funded position, as set forth in Data Protocol [206](#).
- (2) Schools should report on all Key Items for graduates with an Employed – Undeterminable classification using the guidance in [Data Protocols 103\(a\)\(2\)](#) and [103\(b\)](#).

Example 1 – Data Protocol 207

This category should rarely be used. The only time it should be used is when the school knows from a reliable source that the graduate is employed but, even after diligent effort, cannot obtain any other information that would help the school place the graduate in one of the other Employed categories. If the position is reported as being Full-Time or Long-Term, a school should make sure to diligently document the basis for those conclusions since it has such limited information about other aspects of the job.

Example 2 – Data Protocol 207

Question: A graduate told us they are clerking for a judge, but no other details than the city in which they are clerking. Should I list the graduate as Unknown or Undeterminable?

Answer: In this case, the school first needs to ensure they can document that the graduate started on, or prior to, the Graduate Employment Status Date. If the school can include this documentation, they can use the information provided to determine the graduate's Employment Status. The graduate's role as a judicial clerk is accounted for in the Employed – Bar Passage Required presumptions list. Therefore, this graduate would be reported as Employed – Bar Passage Required, and not as Employed – Undeterminable or Employment Status Unknown. There is no Long-Term or Full-Time presumption for judicial clerks, so, absent any additional information, the graduate would be reported as Short-Term and Part-Time. In terms of the “Employment Type,” the school would look up the courts in the city in which the graduate said they were clerking. The school would need to appropriately document this research, as well as their professional judgment, and report “Judicial Clerkship” – “Federal”; “State, Local, and Territories”; “Tribal”; or “International” accordingly. The school would also include a note that they were unable to obtain an employer name and address from the graduate or any other source.

Example 3 – Data Protocol 207

Question: A graduate told us they started working at a law firm in Texas in September 2021. They shared the position was long-term. They do not respond to any follow-up from the school and no information can be obtained from third-party sources. Can we classify this graduate as Employed – JD Advantage?

Answer: In this case, Employed – Undeterminable is the right classification. We do not know the graduate's Employment Status and cannot make any presumptions from the information we do have. An Employed – Undeterminable classification requires that a school report on all Key Items. While the graduate indicated they were employed in a long-term capacity, they did not provide information about whether they were working full-time or part-time. The school would need to use a part-time classification. The school would also classify this graduate with the Employer Type of Law Firm – Unknown Size and include a note that they were unable to obtain an employer name and address from the graduate or any other source.

DATA PROTOCOL 208. EMPLOYED – START DATE DEFERRED

(a) Requirements

- (1) A graduate should be reported as Employed – Start Date Deferred if:
 - (i) The graduate has received and accepted an offer of employment by the Graduate Employment Status Date;
 - (ii) The graduate has agreed to a Start Date;
 - (iii) The Start Date falls after the Graduate Employment Status Date; and
 - (iv) The graduate is not employed in any position on the Graduate Employment Status Date.
- (2) When reporting a graduate as Employed – Start Date Deferred, the only other Key Item reported is the graduate's Start Date.
- (3) A graduate who is Employed in a position on the Graduate Employment Status Date must be reported as Employed pursuant to the appropriate classification under Data Protocols [202](#) through [207](#) and may not be reported as Employed – Start Date Deferred because they have accepted a different future position the school or graduate would prefer to report.
- (4) A graduate who is Enrolled in Graduate Studies on the Graduate Employment Status Date must be reported as Enrolled in Graduate Studies under Data Protocol [212](#) and may not be reported as Employed – Start Date Deferred because they have accepted a future position the school or graduate would prefer to report.
- (5) Notwithstanding Data Protocol [208\(a\)\(1\)\(ii\)](#) and [\(iii\)](#), a graduate can be reported as Employed under Data Protocols [202](#) through [207](#) if they meet the conditions of Data Protocol [201\(d\)](#).

Example 1 – Data Protocol 208

Question: Is a graduate in this category going to be counted as employed when calculating employment percentages?

Answer: The ABA does not calculate employment percentages. From the perspective of the ABA, a graduate in this category is not truly employed as of the Graduate Employment Status Date and they are not counted in the "Employment Type" box on the Employment Summary Report. As such, a school should not represent graduates whose position is start date deferred as being employed under the standards of the ABA. We realize this can be confusing, given that the word "Employed" is used in the category, but this was done because the prior name for the category "Unemployed – Start Date Deferred" was not only confusing, but carried the negative stigma associated with the word "Unemployed."

Example 2 – Data Protocol 208

Question: I have a graduate who has accepted a judicial clerkship. Until the clerkship begins, the graduate has taken a part-time, short-term position as a server in a restaurant. Is the server position, in which the graduate is employed on the Graduate Employment Status Date, the one I must report? Because I can only report one job per graduate in the EQ, can I report the judicial clerkship under the Employed – Start Date Deferred category, or do I have to report the job in the restaurant as Employed – Other Position?

Answer: You can only report one position, and in this case, you would have to report the graduate as Employed – Other Position. The critical element is that the graduate is, in fact, employed on the Graduate Employment Status Date. Put another way, if the graduate has a job, even if you would rather report a deferred job because it is regarded as a higher quality job for reporting purposes, you must report the job they have on the Graduate Employment Status Date, not the job they will start in the future.

On the other hand, if a graduate is working in more than one job on the Graduate Employment Status Date, a school may choose which position to report. Thus, if a graduate has one job that would be reported as Employed – Bar Passage Required, Part-Time, Short-Term, and another position that would be reported as Employed – Professional Position, Part-Time, Long-Term, it would be up to the school to choose which of the two positions it will report. Importantly, the school must report one, and only one, of the two positions. It may not combine the positions.

Example 3 – Data Protocol 208

If a graduate has received and accepted an offer of employment by the Graduate Employment Status Date, but the start date is dependent on the completion of a security clearance or background check and the completion date is currently unknown, classify as Employed – Start Date Deferred and provide an approximate start date.

Example 4 – Data Protocol 208

If a graduate has received and accepted an offer of employment by the Graduate Employment Status Date but declines to provide a start date or does not respond to follow-up regarding the start date, they should still be classified as Employed – Start Date Deferred. Just make sure to document the situation and provide an approximate start date using professional judgment.

Example 5 – Data Protocol 208

If a graduate has received an offer of employment by the Graduate Employment Status Date, with a start date that falls after the Graduate Employment Status Date, but they can't officially accept the offer because it is contingent upon, for example, passing the MPRE or bar examination, the graduate can still be classified as Employed – Start Date Deferred.

Example 6 – Data Protocol 208

If a graduate accepts an offer of employment by the Graduate Employment Status Date and has a Start Date after the Graduate Employment Status Date, but the official paperwork is not completed by the Graduate Employment Status Date, the graduate can still be classified as Employed – Start Date Deferred.

Example 7 – Data Protocol 208

Question: One of my graduates worked as a summer associate for a firm the summer before they graduated. Their start date as an Associate Attorney was set for October 1, 2021, but got delayed to January 2, 2022. The delayed start date conflicted with the graduate's parental leave, so the graduate won't start work until after March 15, 2022. Can we count this graduate as employed?

Answer: Yes, this graduate can be reported as employed. Per Data Protocol [201\(d\)](#), absent the parental leave, the graduate otherwise would have met the requirements to be reported as Employed – Bar Passage Required.

DATA PROTOCOL 209. UNEMPLOYED – SEEKING

(a) Requirements

- (1) A graduate should be reported as Unemployed – Seeking if, as of the Graduate Employment Status Date, the graduate:
 - (i) Is Unemployed; and
 - (ii) Is seeking employment and would accept an offer of employment.

(b) Presumptions, Considerations, and Exceptions

- (1) A graduate's status as Unemployed – Seeking is not affected by the fact that the graduate:
 - (i) Is performing volunteer or other work without remuneration;
 - (ii) Has declined an offer of employment; or
 - (iii) Is studying for the bar exam.
- (2) No documentation is required in the Graduate Employment File when reporting a graduate as Unemployed – Seeking.

Example 1 – Data Protocol 209

Question: How do we classify a graduate who is awaiting bar results and self-reports that they are not seeking work until they obtain bar results because their desired employer will not take applications from and/or hire a graduate who has not yet passed the bar exam?

Answer: In these situations, the graduate would be Unemployed – Seeking. The graduate is seeking a job; they are just unable to apply or be hired until they have their Bar Exam Passage. In this situation, the school would need to override the graduate's classification. For the requirements to classify a graduate as Unemployed – Not Seeking, see Data Protocol [210](#).

Example 2 – Data Protocol 209

Question: If a graduate said they were Unemployed – Seeking on their at-graduation survey and has not responded to outreach and has no online presence, how do we classify them? What if the graduate reported that they were Unemployed – Not Seeking?

Answer: While there is no requirement that schools re-survey graduates once they have obtained employment information from them, many schools continue to follow up with graduates who report themselves as Unemployed – Seeking or Unemployed – Not Seeking on an at-graduation survey. Many of these graduates subsequently find jobs and the school obtains updated employment information from them. However, some of these graduates do not respond to outreach and have no online presence.

If you have graduates who classified themselves in an Unemployed category on an at-graduation survey and they do not respond to outreach and lack an online presence, you have two options: 1) You can leave them classified according to their at-graduation surveys or 2) You can re-classify them as Employment Status Unknown. If you do change the graduate-reported classification of Unemployed to Employment Status Unknown, you must document the basis for the change, be it professional judgment or some other basis.

DATA PROTOCOL 210. UNEMPLOYED – NOT SEEKING

(a) Requirements

- (1) A graduate should be reported as Unemployed – Not Seeking if, as of the Graduate Employment Status Date, the graduate:
 - (i) Is Unemployed; and
 - (ii) Is not seeking employment and would not accept an offer of employment.

(b) Presumptions, Considerations, and Exceptions

- (1) A graduate's status as Unemployed – Not Seeking is not affected by the fact that the graduate:
 - (i) Is performing volunteer or other work without remuneration;
 - (ii) Has declined an offer of employment; or
 - (iii) Is not seeking employment for health, family, religious, personal, or other reasons.
- (2) No documentation is required in the Graduate Employment File when reporting a graduate as Unemployed – Not Seeking.

DATA PROTOCOL 211. EMPLOYMENT STATUS UNKNOWN

(a) Requirements

- (1) A graduate should be reported as Employment Status Unknown if a school lacks information from which it can determine if a graduate is either Employed or Unemployed.
- (2) Schools should not report any other Key Items for graduates with an Employment Status Unknown classification.

Example 1 – Data Protocol 211

This category should only be used if a school truly has no information about a graduate or the information is unreliable. Thus, this category is not a catchall or alternative to the other types of employment status and should rarely be used.

Example 2 – Data Protocol 211

Question: A graduate provided answers to all the ABA Key Items on their at-graduation survey, except for their start date. Can we use the date the graduate completed the survey as the start date, as the survey was completed before March 15?

Answer: No. Schools need to confirm and provide documentation that the graduate started on or prior to the Graduate Employment Status Date, even without a specific start date, in order to categorize them as employed using the classifications from their survey. Schools should try to follow-up directly with the graduate, and, if necessary, explore all generally reliable sources of information outlined in Appendix C. If the school is not able to provide documentation that the graduate started on or prior to the Graduate Employment Status Date, this graduate needs to be reported with an Employment Status Unknown classification. Without a start date, there is no evidence of employment as of March 15, 2022.

DATA PROTOCOL 212. ENROLLED IN GRADUATE STUDIES

(a) Requirements

- (1) A graduate should be reported as Enrolled in Graduate Studies if:
 - (i) The graduate is enrolled in further post-graduate education as of the Graduate Employment Status Date; and
 - (ii) A bachelor's degree is typically required for enrollment.

(b) Presumptions, Considerations, and Exceptions

- (1) A graduate's status as Enrolled in Graduate Studies is not affected by the fact that the program is:
 - (i) Full-time or part-time; or
 - (ii) Degree-granting or non-degree granting.

Example 1 – Data Protocol 212

If a graduate is enrolled in graduate studies while simultaneously working in a job, the school can choose whether to classify the graduate as Enrolled in Graduate Studies or as Employed pursuant to the appropriate classification under Data Protocols [202](#) through [207](#).

Example 2 – Data Protocol 212

Graduates enrolled in professional license or commercial certification courses, exam preparation courses, and health-related training/certification programs (i.e., bar preparation courses or courses/programs for yoga, nutrition counseling, personal training, etc.) should not be classified as Enrolled in Graduate Studies.

Example 3 – Data Protocol 212

Graduates enrolled in additional undergraduate courses, not requiring a bachelor's degree prerequisite, to qualify for further graduate education (i.e., medical school) or the Patent Bar, can be classified as Enrolled in Graduate Studies. Graduates enrolled in formal courses, certificate programs, or training programs, not requiring a bachelor's degree prerequisite, that are required to become a member of the clergy, can be classified as Enrolled in Graduate Studies.

TERMS OF EMPLOYMENT: LONG-TERM VS SHORT-TERM AND FULL-TIME VS PART-TIME

DATA PROTOCOL 301. LONG-TERM VS SHORT-TERM

- (a) A position is categorized as Long-Term if, from the perspective of the employer, it is expected to last for one calendar year or more from the Start Date.
- (1) This determination is based solely on the perspective of the employer, not the graduate.
 - (2) Absent one of the following, a position may not be reported as Long-Term.
 - (i) Express information from the employer to the graduate or school indicating the position is expected to last for a term of one calendar year or more.
 - (ii) The graduate's belief that the employer expects the position to last for a term of one calendar year or more.
 - (iii) The professional judgment of the school's staff, based on its knowledge of the specific employer and its practices, indicating the position is expected to last for a term of one calendar year or more.
 - (iv) The professional judgment of the school's staff, based on its knowledge of the market, industry, and comparable employers, indicating the position is expected to last for a term of one calendar year or more.
 - (3) The requirement that the graduate obtain authorization to practice law or pass the bar exam to maintain employment does not affect this determination.
 - (4) Where the employer regards a position as lasting for a calendar year or more, even if technically the position will terminate five or fewer days prior to the completion of a full 365 days, the position should be classified as Long-Term.
 - (5) A graduate who is in a Canadian articling position that fulfills experiential learning requirements mandated for licensure and that are approved by a Canadian provincial or territorial law society are considered long-term, regardless of length.
- (b) A graduate who is Employed in one of the positions below may be presumed to be Employed in a Long-Term position under Data Protocol [301](#), and in a Full-Time position under Data Protocol [302\(b\)](#).
- (1) A graduate whose employer titles them as an “Associate” may be reported as Employed in a Long-Term position if:
 - (i) The employer is a law firm;

- (ii) The determination of “Associate” is documented by the school in accordance with the Data Protocol; and
 - (iii) The school is unaware of any information that would call this determination into question.
- (2) A graduate with a non-attorney title may be reported as Employed in a Long-Term position if:
- (i) The employer is a law firm;
 - (ii) The title is temporary, and graduate will be changed/converted to an “Associate” following admission to practice;
 - (iii) The determination is documented by the school in accordance with the Data Protocol; and
 - (iv) The school is unaware of any information that would call this determination into question.
- (c) A position is categorized as Short-Term if, from the perspective of the employer, it has a fixed duration of less than one calendar year from the Start Date.
- (d) The Start Date for a graduate whose post-graduation employer is the same as their pre-graduation employer is either:
- (1) The date the graduate begins working for the employer post-graduation, if the graduate is in a new job with the employer; or
 - (2) The date the graduate first began working for the employer pre-graduation, if the graduate was employed by the employer in the 12 months preceding the graduate's graduation date and:
 - (i) The graduate will continue in the same position post-graduation they held before graduation; or
 - (ii) The graduate will transition from being employed in a law clerk capacity to an attorney capacity.

Example 1 – Data Protocol 301(a)(4)

Question: Can a judicial clerkship lasting only 360 days be classified as Long-Term?

Answer: Yes, it may be classified as Long-Term if it is five or fewer days under the one calendar year mark. For systems such as 12twenty that rely on dates to calculate whether a job is Short- or Long-Term, you must add a note to the Graduate Employment File explaining any date adjustments, who made them, and when.

Example 2 – Data Protocol 301

Question: In at-will employment states, no one knows if their position is for one calendar year or longer. How do we classify if a position is Long-Term? What factors may be used to determine if an employer expects a position to last one calendar year or more?

Answer: At-will employment is the norm in most locations and for most jobs. It is the perspective of the employer that is the critical factor in determining whether a position is Long- or Short-Term. Thus, the mere fact that the graduate may view the position as short-term is not at issue. It may be helpful, however, to ask the following questions of the graduate:

- 1) *Was a specific end date discussed or left open?*
- 2) *Was the term of employment discussed or left undefined?*
- 3) *Is it the graduate's understanding that the employer expects the position to last for one calendar year or more?*

Importantly, this determination can be highly fact specific. Even where a job may be one where the graduate is performing projects which have a term of less than one calendar year, such as for a legal services provider, the term of the employment may still be Long-Term if the employer's intent is to keep the graduate regularly employed across various projects for a term of a calendar year or more. Conversely, if the employer hires a graduate on a project basis but does not, from its perspective, intend or anticipate they will be employed on an ongoing basis for a calendar year or more, then the position would be Short-Term.

Example 3 – Data Protocol 301

Question: Isn't Full-Time and Long-Term an automatic assumption with judicial clerks?

Answer: No. If you cannot get information on the Full-Time, Long-Term status of the judicial clerkship position from the graduate, you must explain why you are assuming the clerkship is Full-Time and Long-Term.

Example 4 – Data Protocol 301

Question: If a graduate identifies as an "Associate" is there a presumption that the position is Bar Passage Required, Full-Time, and Long-Term and therefore does not require further documentation?

Answer: If a graduate identifies as an "Associate" at a law firm and their employment is properly documented pursuant to Data Protocol [104](#), the position may be presumed to be Bar Passage Required, Full-Time, and Long-Term when the school is unable to obtain the Full-Time and Long-Term information directly from the graduate. Accordingly, if, based on your professional judgment and knowledge, an employer sometimes hires "associates" on a Short-Term or Part-Time basis, or there are facts you are aware of that indicate the employment may not be Long-Term or Full-Time, you must choose the least favorable status (i.e., Short-Term, Part-Time). This guidance remains the same if the graduate is listed with a non-attorney title by the employer, but whose title will change/convert to "associate" once they pass the bar. Likewise, the guidance applies in situations where a graduate is not listed as employed on the employer's website or elsewhere.

The same general guidance applies when determining if the position is a Bar Passage Required position versus a JD Advantage or other kind of position. Thus, if you are unable to determine the response from a reliable source, you may then rely on your professional judgment and knowledge of the employer, as long as this judgment is documented or explained in the Graduate Employment File.

Example 5 – Data Protocol 301

Question: Does the "Associate" presumption for Bar Passage Required, Full-Time, and Long-Term extend to graduates who report themselves as "Attorney," "Staff Attorney," "Lawyer," or other similar title?

Answer: No, as to the determination of Long-Term/Short-Term or Full-Time/Part-Time. This presumption only applies to graduates identified as "associates" at law firms, when the school is unable to obtain the Full-Time and Long-Term information directly from the graduate. This was

done to alleviate some of the confusion surrounding presumptions about associates at law firms, because the term “associate” traditionally refers to a full-time, open-ended term of employment, whereas “attorney” and “staff attorney” do not have the same historical connotation.

With regard to the separate issue of determining whether the position is Employed – Bar Passage Required, the titles of “attorney” and “staff attorney” do imply that the positions are Bar Passage Required positions, and so they may be treated as such, absent the school being aware of information that would indicate otherwise. As with any professional judgment by the school, absent an exception in the Data Protocol, you should still document the basis for your professional judgment. These titles do not, however, imply that the positions are Full-Time or Long-Term.

Example 6 – Data Protocol 301

Question: Where a graduate has not provided information on whether their employment is Long-Term or Short-Term, Full-Time or Part-Time, but the Career Services Office has found through the employer website, a LinkedIn profile, or other publicly available source that the graduate is listed as an “Associate,” may the graduate be reported as employed in a Bar Passage Required, Full-Time, and Long-Term capacity?

Answer: The listing of a graduate’s title as “Associate” only permits you to report them as Full-Time and Long-Term and Employed – Bar Passage Required if they qualify for the presumptions applicable to each Key Item in question. Thus, if they satisfy each of the following presumptions the answer would be yes:

- 1) Long-Term under Data Protocol [301\(b\)](#);*
- 2) Full-Time under Data Protocol [302\(b\)](#); and*
- 3) Employed – Bar Passage Required under Data Protocol [202](#).*

Example 7 – Data Protocol 301

Question: Where a graduate has not provided information on whether their employment is Long-Term or Short-Term, Full-Time or Part-Time, but the Career Services Office has found through the employer website, LinkedIn profile, or other publicly available source that the graduate is listed as an “Attorney,” “Staff Attorney,” “Lawyer,” or other similar title, may the graduate be reported as employed in a Bar Passage Required, Full-Time, and Long-Term capacity?

Answer: Graduates listed as “Attorneys,” “Staff Attorneys,” “Lawyers,” and the like do not come within the presumptions of Data Protocols [301\(b\)](#) and [302\(b\)](#), which are limited to those graduates who respond that they are an “associate” at a law firm or who are listed as an “associate” by a law firm. Thus, classifying graduates with these other titles requires documenting and providing support for your professional judgment.

The determination that the type of employment is Bar Passage Required is a separate question. See Data Protocol [202](#).

Example 8 – Data Protocol 301

Question: If a graduate’s job is discovered on LinkedIn or other social media sites that, in a school staff member’s professional judgment, is Long-Term, and attempts to follow up with the graduate to confirm are unsuccessful, can the position be reported as Long-Term?

Answer: In the absence of definitive information, a school may rely on reasonable judgment to report a job as Long-Term so long as that determination is appropriately documented with an

explanation and basis for any assumptions made. Where there is not sufficient information to make a reasonable judgment, the position must be reported as Short-Term.

Example 9 – Data Protocol 301

Question: One of my graduates started as an associate at a law firm in September 2021 but will leave the firm in August 2022 to start a judicial clerkship. All other firm associates are in full-time, long-term positions. But for the clerkship, this graduate would also be in a full-time, long-term position. How do I classify them?

Answer: In this situation, classify the graduate according to the terms of their job as of the Start Date. If, as of the graduate's Start Date at the firm, they would otherwise be in a full-time, long-term position without the clerkship, classify them as full-time and long-term if they are in the law firm associate position as of the Graduate Employment Status Date.

Example 10 – Data Protocol 301

Unresponsive graduates documented and reported as Solo Practitioners per Data Protocol [401\(g\)](#) may also be reported as Long-Term.

Example 11 – Data Protocol 301

If a graduate is working for a political campaign, it is a best practice to check with the graduate on or near the Graduate Employment Status Date to confirm their continued employment with the political campaign. This is due to the unpredictable nature of political campaigns. For instance, a political campaign may lay off staffers if fundraising falters or a campaign may be suspended or terminated early by the candidate.

Example 12 – Data Protocol 301

A graduate's leave at any point during their employment (including leave for a recent birth or adoption of a child, a personal illness, caring for a sick family member, or the fulfillment of required civil or military service) does not impact a long-term classification, provided the employer regarded the position as lasting for one calendar year.

Example 13 – Data Protocol 301

If a graduate is initially hired on a short-term or temporary contract, but the intent of the employer is that the graduate will be employed for one calendar year or more if additional funding is obtained, the additional funding must be obtained on or prior to the Graduate Employment Status Date for the position to be re-classified as long-term.

Example 14 – Data Protocol 301

If a graduate is initially hired on a short-term or temporary contract, but the graduate will remain employed for one calendar year or more if they pass the bar exam/obtain licensure, the school may classify the graduate as in a long-term position.

Example 15 – Data Protocol 301

Question: One of my graduates said they were initially hired on a short-term or temporary contract, but the employer hopes to permanently hire the graduate. Can I classify this graduate as long-term?

Answer: If the graduate will be hired permanently pending the results of a trial/probation period, the graduate may be classified as long-term. If the employer is unsure whether they will hire the graduate permanently (even if they have a stellar performance), the graduate must be classified as short-term.

Example 16 – Data Protocol 301

Question: Our graduate is working in a position that normally lasts one year with their employer (e.g. a judicial clerkship, a fellowship, or other position with a defined, year-long term), however, they were hired mid-cycle as a replacement for a previous employee who held the position. In hiring the graduate, the employer indicated that the position will last only for the remainder of the original term of employment, which is a term of less than one year from their Start Date. As of the Graduate Employment Status Date, the employer has given no indication that the position will be extended to a full year. Can this graduate be reported in a long-term position?

Answer: No, this position should be reported as short-term. In this case, the employer's intent was only for the graduate to complete the remainder of a year-long term, which at this point is less than one year. Thus, the employer regards this graduate's term of employment as being for less than one year. Again, the employer's perspective is determinative when classifying a position as either short-term or long-term.

Example 17 – Data Protocol 301

Similar to Example 10, unresponsive graduates documented and reported in Business and Industry as having started their own business per Data Protocol [402\(e\)](#) may also be reported as Long-Term.

Example 18 – Data Protocol 301

Question: Where a graduate has not provided information on whether their employment is Long-Term or Short-Term, Full-Time or Part-Time, but the Career Services Office has a current and exact job description for the graduate's position indicating the position is salaried and has benefits, can we presume long-term and full-time?

Answer: A job description with a posting date during or after the graduate's time in law school that identifies the position as salaried and identifies the position has benefits, may be considered long-term. If no contrary information regarding the time commitment is in the job description, full-time can be presumed.

Example 19 – Data Protocol 301

Question: When a graduate has not provided information on whether their employment is Long-Term or Short-Term, Full-Time or Part-Time, but an authoritative publicly-available source confirms the graduate has an annual salary, as opposed to an hourly rate, can we presume the graduate is long-term and full-time?

Answer: Yes, in the absence of contrary information about the graduate's specific employment and/or the practices of the particular employer.

DATA PROTOCOL 302. FULL-TIME VS PART-TIME

- (a) A position must be categorized as either:

- (1) Full-Time, if it is one in which the graduate typically works a minimum of 35 hours per week; or
 - (2) Part-Time, if it is one in which the graduate typically works less than 35 hours per week.
- (b) A graduate who is Employed in one of the positions below may be presumed to be Employed in a Full-Time position under Data Protocol [302](#), and a Long-Term position under Data Protocol [301\(b\)](#).
- (1) A graduate whose employer titles them as an “Associate” may be reported as Employed in a Full-Time position if:
 - (i) The employer is a law firm;
 - (ii) The determination of “Associate” is documented by the school in accordance with the Data Protocol; and
 - (iii) The school is unaware of any information that would call this determination into question.
 - (2) A graduate with a non-attorney title may be reported as Employed in a Full-Time position if:
 - (i) The employer is a law firm;
 - (ii) The title is temporary, and the graduate will be changed/converted to an “Associate” following admission to practice;
 - (iii) The determination is documented by the school in accordance with the Data Protocol; and
 - (iv) The school is unaware of any information that would call this determination into question.

Example 1 – Data Protocol 302

Question: If a graduate is hired for a Full-Time position but is working Part-Time on family leave as of the Graduate Employment Status Date (and intends to return to Full-Time status after the family leave), can they be classified as Full-Time?

Answer: What matters is the norm. Thus, because the graduate expects they will be back to working more than 35 hours a week shortly, they are still Full-Time. If the graduate is hired for a Full-Time position, but the graduate ends up working Part-Time as the norm, they should be classified as Part-Time.

Example 2 – Data Protocol 302

Question: How do you classify a graduate who holds a 75% contract, but then has a private solo practice firm on the side, which together make the graduate Full-Time?

Answer: The ABA only permits you to report a graduate as Employed in one position under the Data Protocol, thus the graduate in question would be employed in either the contract or the solo position, but not both. Thus, if they typically work a total of 40 hours in a week and are spending 75% of that time in the contract position, then whichever job was reported would be Part-Time, pursuant to the 35-hour per week minimum set forth in Data Protocol [302\(a\)](#).

Example 3 – Data Protocol 302

Question: Under what circumstances might a contract attorney be considered Full-Time? For instance, a contractor working for four different firms, “staying busy,” etc.?

Answer: If a graduate is working for one employer on a series of projects, and the number of hours they work for that employer typically equals or exceeds 35 hours per week, then the graduate would be reported as Full-Time. However, if the graduate has to combine hours from two or more employers to get to the typical total of 35 hours or more per week, then they are Part-Time. This is consistent with the fact that you can only report one job for a graduate; thus, you are not permitted to combine two or more jobs that are Part-Time to be able to report a graduate as being in a Full-Time position.

In the situation you present, there are at least three possibilities:

- 1) If the graduate is working for a legal services provider (LSP) that farms out attorneys to various firms on a project basis, and the LSP is the graduate’s employer, then you would combine the work at the four firms to determine the number of hours typically worked in a week. If they meet or exceed 35 hours in a typical week, the graduate should be reported as Full-Time.*
- 2) If the graduate is employed by each of the firms independently, and no individual contract job typically meets or exceeds 35 hours per week, then the graduate likely has a collection of Part-Time jobs. Report only one of those jobs.*
- 3) If the graduate has formed a business where the business model is to perform legal contract work for other attorneys, then the graduate might be in a Full-Time position, but to be counted as such they would need to meet both of the following criteria: meet or exceed the 35 hours per week threshold and have truly established the business with the intent to pursue it on a consistent basis.*

Example 4 – Data Protocol 302

Question: When you discover a graduate is employed through their LinkedIn profile or other social media account, is the screenshot sufficient to prove Full-Time employment or do you need to reach out to the graduate?

Answer: Proper documentation is required for each Key Item, including Full-Time or Part-Time status. If there is not sufficient information that is both reliable and documented under the terms of the Data Protocol to support a reasonable judgment for Full-Time status, the least favorable option of Part-Time must be reported. For example, in the case of LinkedIn, so long as the profile says the graduate is Full-Time, that is acceptable, but a dated copy of the profile must be included in the file to document the response. Likewise, the personal knowledge of the CSO with regard to the employer’s practices can suffice, but the person with the personal knowledge in the CSO must be identified along with the basis for the decision documented in the Graduate Employment File.

Example 5 – Data Protocol 302

Question: May a graduate who self-reports working as a solo practitioner be reported as employed Full-Time where the graduate does not actually have enough work to fill 35 hours per week?

Answer: Yes, when the graduate’s stated and documented intention is to make solo practice their primary source of employment as of or prior to the Graduate Employment Status Date. In the event the graduate states the employment is not Full-Time then it must be reported as Part-Time.

However, when the graduate indicates the position is Part-Time, you should ensure that this is a fully-informed response to the question. If, for example, the graduate is not typically performing legal work for 35 hours or more per week but, when they add in their efforts at business development and other administrative activities related to their practice, they are typically meeting or exceeding the 35 hour per week threshold, then they should be listed as Full-Time, even if the graduate objects to the determination. Also see Data Protocol [103\(b\)](#) for overriding a graduate's response. There is no presumption of full-time for an unreachable solo practitioner graduate, however, the ABA will respect reasonable professional judgments regarding the reporting of full-time for an unreachable solo practitioner graduate when appropriately documented with an explanation and basis for any assumptions made.

Example 6 – Data Protocol 302

Question: Must a graduate working for a legal temporary agency or working on a document review project be working on an assignment as of the Graduate Employment Status Date?

Answer: Yes, but a graduate on a short break between projects for the same employer or staffing agency as of the Graduate Employment Status Date may still be counted as Employed.

Example 7 – Data Protocol 302

Question: Similar to Example 5, may a graduate who has self-reported starting their own business be reported as employed Full-Time where the graduate does not actually have enough work to fill 35 hours per week?

Answer: Yes, when the graduate's stated and documented intention is to make their business their primary source of employment as of or prior to the Graduate Employment Status Date. In the event the graduate states the employment is not Full-Time then it must be reported as Part-Time. However, when the graduate indicates the position is Part-Time, you should ensure that this is a fully-informed response to the question. If, for example, the graduate is not typically working for 35 hours or more per week but, when they add in their efforts at business development and other administrative activities, they are typically meeting or exceeding the 35 hour per week threshold, then they should be listed as Full-Time, even if the graduate objects to the determination. Also see Data Protocol [103\(b\)](#) for overriding a graduate's response. There is no presumption of full-time for an unreachable graduate who has started their own business, however, the ABA will respect reasonable professional judgments regarding the reporting of full-time for an unreachable graduate who has started their own business when appropriately documented with an explanation and basis for any assumptions made.

EMPLOYMENT TYPE

DATA PROTOCOL 401. LAW FIRMS

- (a) Employment in a Law Firm means the graduate works:
 - (1) With or for a group of attorneys practicing law together, regardless of their specific legal relationship; or
 - (2) As a solo practitioner in the practice of law.
- (b) A firm that performs substantial public interest or low-bono work should still be categorized under Law Firms unless it is organized as a non-profit entity.

(c) A graduate whose employer meets the terms of Data Protocol 401(a) must be reported as employed in a law firm without regard to:

- (1) The graduate's job title; or
- (2) The graduate performing a legal or non-legal role.

(d) Titles in a Law Firm may include:

- (1) Administrator;
- (2) Associate;
- (3) Attorney;
- (4) Clerk;
- (5) Contract attorney hired directly by the law firm;
- (6) Law clerk;
- (7) Law firm librarian;
- (8) Lawyer;
- (9) Paralegal; and
- (10) Staff Attorney.

(e) Law Firm Size

(1) Law Firm Size means the total number of attorneys in the entire firm across all offices, regardless of the status of the attorneys in the law firm, and is divided into the following categories:

- (i) Solo;
- (ii) 1-10;
- (iii) 11-25;
- (iv) 26-50;
- (v) 51-100;
- (vi) 101-250;
- (vii) 251-500;
- (viii) 501+; and
- (ix) Unknown Size

➤ (2) The Law Firm Size category of Solo is limited to graduates who have started their own practice and are not practicing with any other attorneys; thus, if the graduate joins a solo practitioner in an attorney role or opens a practice with another attorney, the firm size should be reported as Law Firm 1-10.

(3) A graduate working in a non-attorney role for a solo practitioner should be classified as working in a firm of 1-10 attorneys.

(f) Requirements for Intent to pursue Solo Practice:

(1) A graduate may be reported in the Solo category if the graduate:

- (i) Is practicing law in their own Law Firm that may have other employees, but no other practicing attorneys;

- (ii) Has established the practice as of the Graduate Employment Status Date;
 - (iii) Intends to pursue that practice on a consistent basis; and
 - (iv) Is licensed to practice law as of the Graduate Employment Status Date.
 - (2) A graduate who is unemployed, but who may be willing to take an occasional client while seeking employment, should be reported as Unemployed – Seeking.
 - (3) A graduate who will open a solo practice should be reported as Employed – Start Date Deferred under Data Protocol [208](#) with an estimated or approximate start date if, as of the Graduate Employment Status Date the graduate:
 - (i) Has not passed a bar exam or been authorized to practice law; and
 - (ii) Is not otherwise employed.
- (g) Documentation Requirements for Unresponsive Graduates to be reported in the Solo category:
- (1) The graduate is licensed to practice law in any jurisdiction as of the Graduate Employment Status Date; and
 - (2) The graduate has met at least one of the following indicia as of the Graduate Employment Status Date:
 - (i) Filed corporate documents establishing a law firm;
 - (ii) Acquired a business license indicating the graduate is operating a law firm (evidence of a general business license requires at least one of the other indicia enumerated herein);
 - (iii) Established a law firm website;
 - (iv) Obtained malpractice insurance;
 - (v) Advertised their legal services on social or other media;
 - (vi) Listed as counsel on public records;
 - (vii) Employs non-attorney staff.

DATA PROTOCOL 402. BUSINESS AND INDUSTRY

- (a) Employment in Business and Industry means:
 - (1) The graduate works for an enterprise of any type; and
 - (2) The enterprise does not better fit another category of employment type.
- (b) A graduate who meets the terms of Data Protocol 402(a) must be reported as Employed in Business and Industry, without regard to title, or being employed in a legal or non-legal role.
- (c) Business and industry employers include, but are not limited to:
 - (1) Accounting firms;
 - (2) Entertainment/sports management companies;
 - (3) Insurance companies;
 - (4) Investment banking and financial institutions;

- (5) Legal temporary agencies;
- (6) Management consulting firms;
- (7) Non-Legal Professional Services Firms;
- (8) Political campaigns;
- (9) Political parties;
- (10) Private hospitals (including those that are non-profit);
- (11) Publishing houses;
- (12) Quasi-public/private organizations like FINRA and Sallie Mae;
- (13) Technology/e-commerce companies;
- (14) Trade associations, including organizations like the American Bar Association and American Medical Association; and
- (15) University hospitals and other similar university-related entities at private educational institutions.

(d) Positions held in business and industry include, but are not limited to:

- (1) Business development/sales/marketing;
- (2) Consulting;
- (3) Compliance;
- (4) Human resources;
- (5) In-house counsel;
- (6) Management;
- (7) Temporary attorney work for an agency that places attorneys; and
- (8) Temporary law clerk or paralegal work for a placement agency.

(e) Documentation Requirements for Unresponsive Graduates to be reported as Having Started their Own Business:

- (1) The graduate has met at least one of the following indicia as of the Graduate Employment Status Date:
 - (i) Filed corporate documents establishing their business;
 - (ii) Acquired a business license for the specific business being reported as the Employer (evidence of a general business license requires at least one of the other indicia enumerated herein);
 - (iii) Established a website for their business;
 - (iv) Obtained insurance for their business;
 - (v) Advertised services their business offers on social or other media;
 - (vi) Employs staff.

Example 1 – Data Protocol 402

If a graduate has been placed at an employer by a recruiting agency or temporary agency, the graduate's employer should be the agency and the employment type should be Business and Industry regardless of the employer with whom the graduate has been placed.

Example 2 – Data Protocol 402

Question: One of my graduates is employed by their local city's Chamber of Commerce, which is a 501(c)(6). Should this graduate be classified under Business and Industry as a trade association or under Public Interest as a non-profit?

Answer: This graduate should be classified as employed in Business and Industry.

DATA PROTOCOL 403. GOVERNMENT

- (a) Employment in Government means the graduate works for a government entity.
- (b) A graduate who meets the terms of Data Protocol 403(a) must be reported as Employed in Government, without regard to title, or being employed in a legal or non-legal role.
- (c) Government employers can include federal, state, local, territorial, and tribal employers.
- (d) Government positions include, but are not limited to, jobs with:
 - (1) Governmental agencies;
 - (2) Military, including JAG;
 - (3) Multinational organizations such as the European Union, NATO, or United Nations;
 - (4) Prosecution offices;
 - (5) Tribal governments; and
 - (6) University hospitals and other similar university-related entities at public educational institutions.

DATA PROTOCOL 404. PUBLIC INTEREST

- (a) Employment in Public Interest means the graduate works for a public interest entity.
- (b) A graduate who meets the terms of Data Protocol 404(a) must be reported as Employed in Public Interest, without regard to title, or being employed in a legal or non-legal role.
- (c) Public interest positions include, but are not limited to, jobs with:
 - (1) Entities funded by the Legal Services Corporation or a similar funding source;
 - (2) Organizations that provide indigent or reduced-fee legal services, such as prisoners' legal services and campus legal services;
 - (3) Public defender and appellate defender offices, including those managed by, or within, a government entity;

- (4) Public interest and non-profit employers, including private non-profit advocacy, religious, social service, fund-raising, community resource, or cause-oriented organizations;
- (5) Labor unions; and
- (6) Non-profit policy analysis and research organizations.

Example 1 – Data Protocol 404

Only campus legal services that are legal entities separate from the university are considered Public Interest. For example, a graduate working for a non-profit law firm housed on campus that provides students with legal representation and advice or a graduate working at a general practice law firm housed on campus and funded, usually, by a student legal services fee, would be classified with Public Interest as the “Employer Type.” Campus legal services that are legally part of the educational institution should be classified under Education. For example, a graduate working in a Law School clinic would be classified with Education as the “Employer Type.”

DATA PROTOCOL 405. JUDICIAL CLERKSHIPS

- (a) Employment in a Judicial Clerkship means:
 - (1) The graduate performs the duties of a judicial law clerk for a court or governmental agency; and
 - (2) The graduate is assigned to either a specific judge, or two or more judges, on a court or within a governmental agency.
- (b) A graduate who meets the terms of Data Protocol 405(a) must be reported as Employed in a Judicial Clerkship.
- (c) Judicial Clerkships include clerkships with courts, including administrative law courts, and must fall within one of the following categories:
 - (1) Federal clerkships – clerkships with any federal court or agency;
 - (2) State, local, and territorial clerkships – clerkships with any state, local, or U.S. territorial court or agency;
 - (3) Tribal clerkships – clerkships with any tribal court or agency; or
 - (4) International clerkships – clerkships with courts or agencies of any level in a non-U.S. jurisdiction or international entities such as the International Criminal Court.

Example 1 – Data Protocol 405

Question: Among my graduates who may be working for the courts, how do I distinguish between those who should be reported as judicial clerks and those who should be reported in another category?

Answer: The title of a graduate can be telling, but it is not dispositive. If they are titled "judicial clerk" and are performing the work of a judicial clerk, then "judicial clerk" is the correct category. If the graduate has another title, like "staff attorney," but their role is that of a judicial clerk, then the appropriate category is "judicial clerk." Regardless of title, if the work the

graduate performs is largely not the work of a judicial clerk, then they should be reported in another category, like Government or Public Interest, depending on their duties.

The duties of a judicial clerk typically involve reviewing case filings, conducting research, and drafting orders on behalf of the judge (or judges) to whom the clerk is assigned. On the other hand, a graduate who is researching issues for the court as a whole (versus a matter before a particular judge), assisting pro-se parties in accessing resources or filing materials, or serving as counsel to the judges or the court administration, should generally not be categorized as "judicial clerk" and should be reported under Government or Public Interest, depending on their duties.

DATA PROTOCOL 406. EDUCATION

- (a) Employment in Education means the graduate works for an educational institution.
- (b) A graduate who meets the terms of Data Protocol 406(a) must be reported as Employed in Education, without regard to title, or being employed in a legal or non-legal role.
- (c) Education positions include:
 - (1) Admissions, Career Services, Student Affairs, Academic Administration, Development, and other staff positions;
 - (2) Development, Fundraising, or Alumni Affairs professionals;
 - (3) Faculty;
 - (4) Law School/University funded positions such as:
 - (i) Research fellow, and
 - (ii) Clinic staff attorney;
 - (5) Librarian; and
 - (6) Staff positions outside the immediate academic sphere such as those in IT, General Counsel's Office, Compliance, Athletics, and Government Affairs.
- (d) Notwithstanding Data Protocol [406\(a\)](#), positions at university hospitals and similar university-related entities must be reported as employment in:
 - (1) Government if the institution is a public institution; or
 - (2) Business and Industry if the institution is a private institution.

Example 1 – Data Protocol 406(d)

Similar university-related entities include entities that have a legal existence separate from the university. For example, an alumni research foundation or an independent NGO housed within university space.

DATA PROTOCOL 407. EMPLOYER TYPE UNKNOWN

- (a) This category is to be used when the school knows that a graduate is employed but does not have sufficient information to determine the employer type.

EMPLOYMENT START DATE

DATA PROTOCOL 501. GRADUATE EMPLOYMENT STATUS DATE

- (a) The Graduate Employment Status Date will be March 15 of the year following the May graduation date of the class (i.e., March 15, 2022 for the Class of 2021).
- (b) If March 15 falls on a weekend, then the Graduate Employment Status Date is the Monday after March 15 (i.e., March 17, 2025 for the Class of 2024.)

DATA PROTOCOL 502. START DATE MUST BE ON OR BEFORE GRADUATE EMPLOYMENT STATUS DATE

- (a) In order to report a graduate as Employed, the graduate must begin the job being reported on or before the Graduate Employment Status Date.

Example 1 – Data Protocol 502

Per Data Protocol [201\(d\)](#), graduates whose start date has been delayed due to the circumstances included in the aforementioned area of the Protocol, can still be reported as Employed.

DATA PROTOCOL 503. GRADUATE MUST BE ACTIVELY WORKING

- (a) To be reported as Employed, a graduate must be actively working in the job being reported as of the Graduate Employment Status Date.
- (b) If an offer of employment has been accepted, but the graduate is not actively working in the job or any other job as of the Graduate Employment Status Date, the graduate should be reported as Employed – Start Date Deferred under Data Protocol [208](#).
- (c) If a graduate is employed in a position on the Graduate Employment Status Date, they must be reported as Employed in that position, even if the graduate has also accepted a separate offer of future employment that will begin after the Graduate Employment Status Date per Data Protocol [208, Example 2](#).

Example 1 – Data Protocol 503

Per Data Protocol [201\(d\)](#) and [Example 1 - Data Protocol 201](#), graduates on leave, or whose start date has been delayed due to the circumstances included in the aforementioned areas of the Protocol, are still considered to be actively working and can therefore be reported as Employed.

DATA PROTOCOL 504. DOCUMENTING EMPLOYMENT START DATE

- (a) Documentation of the exact start date is not required; it is sufficient to provide documentation that the employment began on or before the Graduate Employment Status Date.
- (b) When reporting the start date from a source other than the graduate, a date-stamped copy of the data source(s) must be included in the Graduate Employment File as supporting documentation.

Example 1 – Data Protocol 504(a)

Schools will frequently identify graduate employment information from the mandatory reporting required by the state bar association. In these instances, so long as the documentation from the state bar association is gathered and recorded on or before the Graduate Employment Status Date, it is sufficient to report the start date as the date the information was gathered from the state bar association. This same practice is also acceptable for employment identified through employer website bios or other sources that do not provide an employment start date. However, it is acceptable to use a LinkedIn profile, an email or phone call with the graduate, or a survey dated after the Graduate Employment Status Date, but before the Graduate Data Reporting Deadline, if the start date is included (i.e., a graduate's LinkedIn profile lists a start date on or before the Graduate Employment Status Date or a graduate reports that their job started on or before the Graduate Employment Status Date).

Example 2 – Data Protocol 504(a)

Because Symplicity and 12twenty surveys require the reporting of a month, day, and year for the employment start date, it is acceptable to default to the first day of the month when your documentation provides only the month and year of the start date. For example, a known start date of September 2021 may be properly reported as September 1, 2021.

Example 3 – Data Protocol 504(b)

If internet research reveals that a graduate was employed on or before the Graduate Employment Status Date, it is appropriate to report the date the data was collected as the graduate's start date. A date-stamped copy of the internet page must be included in the Graduate Employment File as supporting documentation.

EMPLOYER NAME AND CONTACT INFORMATION

DATA PROTOCOL 601. EMPLOYER NAME

- (a) The Graduate Employment File must include the name of the graduate's employer.

Example 1 – Data Protocol 601

Question: If I correct a spelling error that the graduate made in the employer's name, do I need to document this change in the Graduate Employment File?

Answer: No. Documentation would not be required as this is a purely ministerial change.

Example 2 – Data Protocol 601

Question: What if a graduate cannot or will not disclose the name of their employer?

Answer: If the graduate provides all other Key Items of employment information except for the employer name, and states that they cannot or will not disclose the employer's name, then the file is complete. However, you do need to include documentation that the graduate cannot or will not provide this information. Also, many times employer names can be found on LinkedIn or through a Google search of the graduate's name.

Example 3 – Data Protocol 601

Question: A graduate tells me that they are working as a lawyer in Illinois but does not respond to requests for additional information and I cannot find anything about them online. What do I list for the employer name and employer contact information?

Answer: A graduate in this situation should be classified as Employed – Bar Required as long as you have documentation of this communication with the graduate. Then, make a note that you were unable to obtain any additional information about the graduate’s employment after conducting research and include the date you made this note. If you do not know anything about the Full-Time/Part-Time or Long-Term/Short-Term nature of the position, use the least favorable classifications. Also use Employer Type Unknown and note that you were unable to obtain the Employer Name or Contact Information. You do have the state for reporting Employment Location in the EQ.

DATA PROTOCOL 602. EMPLOYER CONTACT INFORMATION

- (a) The Graduate Employment File must include one of the following for the graduate’s employer:
 - (1) Full mailing address;
 - (2) Website; or
 - (3) Email address.
- (b) If the graduate is self-employed, a mailing address, website, or email address must still be provided. If the graduate does not have a business mailing address, website, or email address, a personal, non-school one must be provided.
- (c) If the graduate does not provide contact information for their employer, then:
 - (1) The CSO may rely on the employer mailing address, website, or email address listed in their school’s Symplicity, 12twenty, or other Career Services Database without additional documentation or notes as long as the information is added to the Graduate Employment File on or before the Graduate Data Reporting Deadline.
 - (2) A CSO staff member may look up an employer’s mailing address, website, or email address and add that information to the Graduate Employment File on or before the Graduate Data Reporting Deadline. No documentation is required.
- (d) If the graduate is in the JAG Corps and a placement location for them cannot be obtained, use the appropriate JAG Corps (Army, Air Force, Navy, Marines, Coast Guard) headquarters’ mailing address, website, or email address for the employer contact information.
- (e) If the graduate is working from various locations or virtually, report the contact information for the employer’s office the graduate would otherwise report to or the main office of the employer.

Example 1 – Data Protocol 602

Question: Do I need to add a note to the Graduate Employment File if the graduate provides an incomplete mailing address?

Answer: No. Just include the rest of the employer address in the Graduate Employment File by the Graduate Data Reporting Deadline. No documentation is needed.

Protocol for Reviewing Law Graduate Employment Data (Review Protocol)

REVIEWS OF GRADUATE EMPLOYMENT DATA

This section sets out how the ABA will conduct its review of graduate employment data provided to the ABA shortly after a school submits the Employment Questionnaire (EQ).

REVIEW PROTOCOL 101. OVERVIEW, TYPES OF REVIEW, OBLIGATION TO ASSIST

- (a) The review of graduate employment information, as set forth in this Review Protocol, is designed to ensure that the graduate employment data schools collect and present to the public regarding employment outcomes is complete, accurate, and not misleading.
- (b) Types of Review and Obligations
 - (1) As set forth below, there are four types of reviews of the Graduate Employment Data reported to the ABA.
 - (i) The ABA Standard 509 Website Compliance Review is an annual, comprehensive review of all schools approved by the ABA, and ensures compliance with the required disclosures of information set forth in Standard 509 of the ABA [Standards and Rules of Procedure for Approval of Law Schools](#), as set forth in Review Protocol [102](#).
 - (ii) The Random Graduate Review is an annual review of every law school in which the ABA randomly selects 4% of a school's total Graduate Employment Files or five individual Graduate Employment Files, whichever is greater using normal rounding, for review, as set forth in Review Protocol [103](#).
 - (iii) Schools that are not in compliance after a Random Graduate Review are subject to escalating levels of Elevated Review under Review Protocol [104](#).
 - (iv) A Red Flag Review is limited to schools where an issue or potential issue has been deemed by the ABA to warrant subjecting that school's reported employment data to even greater scrutiny, and for a period of years, as set forth in Review Protocol [105](#).
 - (c) In connection with any type of review, a school must:
 - (1) Provide all documents and files requested by the ABA in connection with the review,
 - (2) Cooperate in making all current employees involved in collecting, maintaining, reporting, and publishing reported employment data available for interview by the ABA.
 - (d) A Graduate Employment File submitted for any level of review must contain the following items:
 - (1) A copy of the completed survey used to record the key items of employment information
 - (2) One of the following:
 - (i) A log generated by the survey software if available, such as those included in [Appendix H](#), identifying:

- (a) Who entered each response;
- (b) The date the response was entered; and
- (c) The date of any change to the responses, and who made the change.
- (ii) Absent a log generated by the software, clear documentation by other means of:
 - (a) Who entered each response;
 - (b) The date the response was entered; and
 - (c) The date of any change to the responses, and who made the change.
- (3) Any additional documentation or explanation of professional judgment relied upon for each response to the survey.
- (e) In connection with the Random Graduate Review, a school may provide a cover memo explaining its documentation practices but it cannot add/change anything in the Graduate Employment Files.

Example 1 – Review Protocol 101

If the log generated by the survey software contains survey responses directly input by the graduate, along with the graduate's name or email address and the date the graduate input their responses, this log and any supporting documentation (i.e., LinkedIn Profile) or notes by career services staff are all that is needed in the Graduate Employment File.

Example 2 – Review Protocol 101

A school can only add documentation to the Graduate Employment File after the Graduate Data Reporting Deadline if the school has contacted the ABA to make a change to its EQ and the ABA allows that change to be made. The new documentation should not replace anything already in the Graduate Employment File; supporting documentation for what was initially reported to the ABA should remain in the Graduate Employment File.

REVIEW PROTOCOL 102. ABA STANDARD 509 WEBSITE COMPLIANCE REVIEW

- (a) Each year after the posting deadline, the ABA will inspect every school's website at least once to determine whether its Employment Summary Reports for the three most recent years:
 - (1) Are posted in the original PDF format;
 - (2) Are consistent with the employment information reported by the school to the ABA in the EQ; and
 - (3) Meet any other requirements of ABA Standard 509.
- (b) When submitting the EQ, a school must provide the URL of its "Consumer Information – ABA Required Disclosures" website.
- (c) If a law school elects to additionally publish the Employment Summary Reports on its Career Services webpage, or any other law school webpage, the URL for those webpages must also be submitted as part of the EQ.

- (d) The URL a school provides in the EQ must be the same URL that current and prospective students use to view the school's graduate employment data.
- (e) A law school that fails to timely post its Employment Summary Report as required by ABA Standard 509 or that publishes data found to be incomplete, inaccurate, or misleading, may be subject to a Red Flag Review for a period of up to three years.

REVIEW PROTOCOL 103. RANDOM GRADUATE REVIEW

(a) Selection process

- (1) An annual Random Graduate Review of all schools will be conducted by the ABA.
 - (i) The Graduate Employment Files subject to the review will be randomly selected via random number generator from all the graduates included in a school's EQ submission for that year's graduating class.
 - (ii) The ABA will identify the selected Graduate Employment Files subject to review by the unique identification numbers assigned by a school to each of its graduates in the school's EQ submission.
- (2) The number of Graduate Employment Files selected for review will be based on the number of graduates a school has in that year's graduating class as set forth below.²
 - (i) Four percent of a school's graduates randomly selected for review; or
 - (ii) Five of a school's graduates randomly selected for review, whichever is greater using normal rounding.

(b) Review Process

- (1) The ABA will examine each Graduate Employment File subject to review to determine whether the information in the file:
 - (i) Matches the information submitted by the school to the ABA in the EQ; and
 - (ii) Supports and properly documents the responses to the Key Items of employment information according to the Data Protocol.
- (2) The ABA will apply the following standards in examining a Graduate Employment File:
 - (i) The ABA will not engage in direct contact with the graduate as a part of the Random Graduate Review.
 - (ii) A Graduate Employment File containing the required documentation to support the responses to each Key Item of employment information for the graduate will be presumed sufficient absent evidence to the contrary.
 - (iii) If a Graduate Employment File does not support a Key Item of employment information, that Graduate Employment File will be deficient.

(c) Compliance Determination

- (1) To remain in compliance, 90% of a Law School's Graduate Employment Files must meet the requirements set forth in the Protocols.
- (2) Compliance with the requirements set forth within the Protocols, and any determination whether a deviation from the Protocols is material or not as to compliance is made at the sole discretion of the ABA.
- (3) Additional graduate files may be requested by the ABA if it determines the additional files are necessary for it to make its assessment of 90% compliance.
- (4) Compliance is determined by the number of files found to be sufficient divided by the number of files selected by the ABA.

(d) Review Outcomes

- (1) A school in Compliance after the Random Graduate Review will not be subject to further review and will be notified accordingly.
- (2) A school that is not in Compliance after the Random Graduate Review will be subject to Elevated Review, as set forth in Review Protocol [104](#), and will be notified accordingly.
 - (i) The ABA has the discretion to request additional Graduate Employment Files for review before deciding whether to subject a school to Elevated Review.

REVIEW PROTOCOL 104. ELEVATED REVIEW AFTER RANDOM GRADUATE REVIEW: LEVEL 1, LEVEL 2, AND LEVEL 3

- (a) A school that is not in Compliance after the Random Graduate Review will be subject to escalating levels of Elevated Review, as set forth below, until the school is found to be in Compliance or subject to a Level 3 Review.

(b) Levels of Elevated Review

(1) Level 1 Review

(i) Selection Process

- (a) The ABA will randomly select up to 50% of a school's Graduate Employment Files via a random number generator, excluding those already reviewed, for Level 1 Review.
- (b) The ABA will identify the selected Graduate Employment Files subject to review by the unique identification number assigned by a school to each of its graduates in the school's EQ submission.

(ii) Review Process

- (a) The ABA will examine each Graduate Employment File subject to Level 1 Review to determine whether the information in the file:
 - (i) Matches the information submitted by the school to the ABA in the EQ; and
 - (ii) Supports and properly documents the responses to the Key Items of employment information according to the Data Protocol.

- (b) The ABA will apply the following standards in assessing a Graduate Employment File subject to a Level 1 Review:
 - (i) A Graduate Employment File containing the required documentation to support the responses to each Key Item of employment information for the graduate will be presumed sufficient absent evidence to the contrary.
 - (ii) If a Graduate Employment File does not support a Key Item of employment information, that Graduate Employment File will be deemed deficient.
- (iii) Compliance Determination
 - (a) If the percentage of Graduate Employment Files deemed sufficient pursuant to Review Protocol [104\(b\)\(1\)\(ii\)\(b\)\(i\)](#) of this Review Protocol meets or exceeds 90%, the school will be considered in Compliance.
 - (b) Compliance is determined by the number of files found to be sufficient divided by the number of files selected by the ABA.
- (iv) Review Outcomes
 - (a) A school in Compliance after a Level 1 Review will not be subject to further review and will be notified accordingly.
 - (b) A school that is not in Compliance after a Level 1 Review will be subject to a Level 2 Review and will be notified accordingly.
- (2) Level 2 Review
 - (i) Selection Process
 - (a) The ABA will review the remainder of a school's Graduate Employment Files for Level 2 Review.
 - (ii) Review Process
 - (a) The ABA will examine Graduate Employment Files subject to Level 2 Review under the following two-tiered procedure:
 - (i) For all files not examined under the Random Graduate Review or Level 1 Review processes, the ABA will ensure the data:
 1. Matches the information submitted by the school to the ABA in the EQ; and
 2. Supports and properly documents the responses to the Key Items of employment information according to the Data Protocol.
 - (ii) The ABA will also randomly select 20% of a school's Graduate Employment Files for independent confirmation of the responses through one or more of the following means:
 1. Direct contact with the graduate;
 2. Review of independent public records; or
 3. Contact with the reported employer.
 - (b) The ABA will apply the following standards in assessing a Graduate Employment File subject to a Level 2 Review:

- (i) A Graduate Employment File containing the required documentation to support the responses to each Key Item of employment information for the graduate will be presumed sufficient absent evidence to the contrary.
 - (ii) If a Graduate Employment File does not support a Key Item of employment information, that Graduate Employment File will be deemed deficient.
 - (iii) Compliance Determination
 - (a) A school will be considered in compliance if the percentage of Graduate Employment Files deemed sufficient under:
 - (i) Review Protocol [104\(b\)\(1\)\(ii\)\(a\)](#) meets or exceeds 90%; and
 - (ii) Review Protocol [104\(b\)\(1\)\(ii\)\(b\)](#) meets or exceeds 90%.
 - (b) Compliance is determined by the number of files found to be sufficient divided by the number of files selected by the ABA.
 - (iv) Review Outcomes
 - (a) A school in Compliance after a Level 2 Review will not be subject to further review and will be notified accordingly.
 - (b) A school that is not in Compliance after a Level 2 Review will be subject to a Level 3 Review and will be notified accordingly.
- (3) Level 3 Review
 - (i) Selection Process
 - (a) A Level 3 Review requires a review of all a school's Graduate Employment Files.
 - (ii) Review Process
 - (a) Independent Review
 - (i) A law school must timely submit a proposal to the ABA for the Level 3 Review, including the name and credentials of the proposed Independent Auditor.
 - (ii) The proposed review by the Independent Auditor must include:
 1. A review of all Graduate Employment Files to determine whether the data contained in each Graduate Employment File supports the Key Items; and
 2. Verification, through direct contact with the graduate, by independent public record confirmation, or contact with the graduate's employer, of a random sample of at least 25% of the Graduate Employment Files.
 - (iii) The Independent Auditor must be:
 1. An independent third-party organization;
 2. Hired at the sole expense of the school; and
 3. Approved by the ABA prior to commencing its review.

- (iv) Because each law school varies in the number of Graduate Employment Files to review, the ABA will work individually with a law school selected for a Level 3 Review regarding timing and deadlines.
 - (v) At the conclusion of the Level 3 Review, the Independent Auditor will submit a report of its findings to the ABA.
- (iii) Review Outcomes
- (a) The ABA will review the information reported by the Independent Auditor and may request that the Independent Auditor provide additional information.
 - (b) The ABA has the discretion to decide whether a school is in Compliance following a Level 3 Review based on the full record before the ABA.
 - (c) The ABA has the discretion to decide whether a school that is required to undergo a Level 3 Review may be subject to a Red Flag Review for the next three years, as set forth in Review Protocol [105](#), and will notify the school accordingly.
 - (d) If the Independent Auditor finds evidence of significant misreporting of graduate employment data, the ABA Managing Director's Office, in consultation with the Council, will determine what changes must be made to a law school's publicly posted Employment Summary Report.

REVIEW PROTOCOL 105. RED FLAG REVIEW

- (a) Red Flag Review applies to unusual or extraordinary situations, including the following:
 - (1) Any school currently under sanction for any violation of ABA Standard 509;
 - (2) Any school identified by the ABA as having significant inconsistencies or anomalies in reporting graduate employment data; and
 - (3) Law schools that are the subject of credible reports of incomplete, inaccurate, or misleading reporting of their graduate employment data.
- (b) Law schools subject to Red Flag Review will be notified that they are subject to such a review and why the review is being conducted.
- (c) In the ABA's sole discretion, a school undergoing a Red Flag Review will be subject to Level 1, Level 2, or Level 3 Reviews, and any other requirements the ABA deems necessary under the Review Protocol.

Appendices

APPENDIX A. THE KEY ITEMS OF EMPLOYMENT INFORMATION FOR THE GRADUATE EMPLOYMENT FILES AND THE GRADUATE EMPLOYMENT INFORMATION NEEDED TO COMPLETE THE EMPLOYMENT QUESTIONNAIRE (EQ)

The Key Items of Employment Information for the Graduate Employment File

The following are the Key Items of Employment Information that must be included in each individual Graduate Employment File:

Employment Status

- Employed – Bar Passage Required
- Employed – JD Advantage
- Employed – Professional Position
- Employed – Other Position
- Employed – Law School/University Funded
- Employed – Undeterminable
- Enrolled in Graduate Studies
- Employed – Start Date Deferred
- Unemployed – Not Seeking
- Unemployed – Seeking
- Employment Status Unknown

Full-Time or Part-Time

Long-Term or Short-Term

Employment Type

- Law Firm (need to include law firm size, but no documentation is required for law firm size and law firm size is not an auditable key item)
 - Solo
 - 1-10
 - 11-25
 - 26-50
 - 51-100
 - 101-250
 - 251-500
 - 501+
 - Unknown Size
- Business & Industry
- Government

- Public Interest
- Judicial Clerkships (Federal; State, Local, and Territories; Tribal; or International)
- Education
- Employer Type Unknown

Employment Start Date

- Must be on/before Graduate Employment Status Date

Employer Name and Contact Information

- Employer Name AND
- Employer Mailing Address OR Website OR Email

Graduate Employment Data Needed to Complete the Employment Questionnaire (EQ)

The EQ asks for Key Items of Employment Information in a specific way so that it can accurately populate a school's Employment Summary Report.

Because of this, the EQ asks for the Key Items in a slightly different way than how they are listed in "The Key Items of Employment Information for the Graduate Employment File."

The Key Items will be reported in the EQ as follows:

Employment Status

- Employed – Bar Passage Required
- Employed – JD Advantage
- Employed – Professional Position
- Employed – Other Position
- Employed – Law School/University Funded
- Employed – Undeterminable
- Enrolled in Graduate Studies
- Employed – Start Date Deferred
- Unemployed – Not Seeking
- Unemployed – Seeking
- Employment Status Unknown

Full-Time or Part-Time

Long-Term or Short-Term

Employment Type

- Law Firms

- Solo
- 1-10
- 11-25
- 26-50
- 51-100
- 101-250
- 251-500
- 501+
- Unknown Size
- Business & Industry
- Government
- Public Interest
- Judicial Clerkships (Federal; State, Local, and Territories; Tribal; or International)
- Education
- Employer Type Unknown

Employment Location

- List State of Employment if located in the United States
- List Country of Employment if located in a Non-US Jurisdiction
- **Note:** Only list State or Country on the EQ – Do not list employer address, website, or email. Employer address, website, or email is only included in the Graduate Employment File.

Important: You will note that Employment Start Date and Employer Name and Contact Information are not on this list of Key Items for the EQ. This is because Employment Start Date and Employer Name and Contact Information are NOT listed on the Employment Summary Report. Only list Employment Start Date and Employer Name and Contact Information in the Graduate Employment File.

APPENDIX B. THE EMPLOYMENT QUESTIONNAIRE (EQ)

In addition to creating Graduate Employment Files, law schools must also enter information into the Employment Questionnaire (EQ), which is found in the [ABA Quest System](#). A login is required to enter employment data into the Employment Questionnaire. If you do not know your login credentials or need the name of your school's Questionnaire Administrator, please contact [Ken Williams](#) or [Enna Rios](#).

The Employment Questionnaire itself is a spreadsheet or series of individual, manually entered graduate profiles containing each graduate's employment data that is submitted to the ABA Quest System on or before the Graduate Data Reporting Deadline.

Schools using systems such as Symplicity or 12twenty may have these spreadsheets automatically generated by these companies, while some schools fill out the ABA EQ spreadsheet template.

For questions about entering, submitting, or troubleshooting Employment Questionnaire data, please contact [Ken Williams](#) or [Enna Rios](#).

Schools Using Symplicity or 12twenty Spreadsheets

For schools that use a Symplicity or 12twenty spreadsheet for the EQ upload, you will upload the spreadsheet in the "Excel Upload" tab of the [ABA Quest System](#). When you log into the ABA Quest system, you will be on your school's Home page. Select the current calendar year of the Employment Questionnaire submission (2022) from the drop-down menu, and then click the "Employment Questionnaire" link in either the left navigation panel or the tab above the drop-down menu. (Note: Use 2022 as the year in the drop-down menu even though you are submitting for the Class of 2021.) This will bring you to the Employment Questionnaire Home page. Click on the "Excel Upload" tab in the left navigation panel.

Here, you will upload your spreadsheet from Symplicity or 12twenty. If the system has any issues with your upload, you will get an error message. If you are unsure what the error message means or are unable to fix it, contact [Ken Williams](#) or [Enna Rios](#) for assistance.

Then, navigate to the "Profiles" tab. Scroll to the bottom of the page and click "Page Complete." This locks the page so that no changes can be inadvertently made. Then, contact your school's Questionnaire Administrator. This person will do the "final" submit of your EQ data and upload the Dean's Signature Page (sample in [Appendix D](#)), both of which are done in the "Admin" tab of the ABA Quest System. Only then has your EQ been submitted. Please note that all these steps must be done by the Graduate Data Reporting Deadline.

Schools Filling in the ABA Spreadsheet Template Manually

For schools that fill in the spreadsheet template manually, instructions and the spreadsheet template itself are in the [ABA Quest System](#). When you log into the ABA Quest System, you will be on your school's Home page. Select the current calendar year of the Employment

Questionnaire submission (2022) from the drop-down menu, and then click the "Employment Questionnaire" link in either the left navigation panel or the tab above the drop-down menu. Note: Use 2022 as the year in the drop-down menu even though you are submitting for the Class of 2021. This will bring you to the Employment Questionnaire Home page. Click on the "Excel Upload" tab in the left navigation panel. In the upper right corner, you will see links for "Template" and "Instructions."

Once you have filled in the spreadsheet template, upload it in this same location ("Excel Upload" tab). If the system has any issues with your upload, you will get an error message. If you are unsure what the error message means or are unable to fix it, contact [Ken Williams](#) or [Enna Rios](#) for assistance.

Then, navigate to the "Profiles" tab. Scroll to the bottom of the page and click "Page Complete." This locks the page so that no changes can be inadvertently made. Then, contact your school's Questionnaire Administrator. This person will do the "final" submit of your EQ data and upload the Dean's Signature Page (sample in [Appendix D](#)), both of which are done in the "Admin" tab of the ABA Quest System. Only then has your EQ been submitted. Please note that all these steps must be done by the Graduate Data Reporting Deadline.

Schools Manually Entering Data into the ABA Quest System Profiles

For schools that manually enter data for each graduate into the individual profiles in the ABA Quest System, instructions for filling out the individual profiles are on the [ABA Questionnaire page](#) under "Employment Questionnaire" > 2022 Employment Questionnaire Data Entry Instructions (For the Class of 2021).

These profiles are completed under the "Profiles" tab of the [ABA Quest System](#). When you log into the ABA Quest system, you will be on your school's Home page. Select the current calendar year of the Employment Questionnaire submission (2022) from the drop-down menu, and then click the "Employment Questionnaire" link in either the left navigation panel or the tab above the drop-down menu. (Note: Use 2022 as the year in the drop-down menu even though you are submitting for the Class of 2021.) This will bring you to the Employment Questionnaire Home page. Then click "Profiles" in the left navigation panel. Click "Add Profile" and begin creating a profile for each graduate with the instructions referenced above.

Once you are satisfied that the data you have input for all graduates is correct, scroll to the bottom of the page and click "Page Complete." This locks the page so that no changes can be inadvertently made. Then, contact your school's Questionnaire Administrator. This person will do the "final" submit of your EQ data and upload the Dean's Signature Page (sample in [Appendix D](#)), both of which are done in the "Admin" tab of the ABA Quest System. Only then has your EQ been submitted. Please note that all these steps must be done by the Graduate Data Reporting Deadline.

APPENDIX C. GENERALLY RELIABLE SOURCES OF INFORMATION

The graduate is the best source of information on their own employment data. However, in the event a school cannot obtain employment data directly from the graduate, the following sources are considered reliable when documented appropriately according to Data Protocol [104](#):

- Graduate's resume
- Website of graduate's employer
- Direct communications with graduate's employer (including former classmate working for the same employer as graduate)
- Written or oral communications between the graduate and any member of the law school faculty or administration
- Graduate's LinkedIn page
- Graduate's Twitter feed
- Graduate's Facebook page
- Attorney Registration or Bar Directories
- Business Registration pages such as those maintained by a Secretary of State
- Direct communication with the graduate's family
- Job postings for the same or similar job with the graduate's employer
- Government or non-profit-sponsored personnel directory

APPENDIX D. DEAN'S SIGNATURE PAGE

Note: This document is available to print and sign on the [ABA Questionnaire page](#) under "Employment Questionnaire" or within the ABA Quest system. Schools making edits to their EQ after the Graduate Data Reporting Deadline may be directed by the ABA to have their Questionnaire Administrator upload a new Dean's Signature Page. A new Dean's Signature Page is required when a school has a significant number of edits after the Deadline.

DEAN'S AND CAREER SERVICES DIRECTOR'S CERTIFICATION

EMPLOYMENT QUESTIONNAIRE

The within Employment Questionnaire is submitted pursuant to Standard 104 of the American Bar Association Standards for Approval of Law Schools.

We have reviewed the Employment Questionnaire and know its contents. We have made an appropriate and thorough inquiry so as to satisfy ourselves that the information contained in this Employment Questionnaire has been properly collected and is fully and accurately reported. We represent that this Employment Questionnaire is true, accurate, complete and not misleading.

We understand that the provision of false, inaccurate, incomplete or misleading information in this Employment Questionnaire could subject the law school to the imposition of sanctions under Rule 15 of the Rules of Procedure for Approval of Law Schools.

[Dean's name]

[Dean's signature]

[Career Services Director's name]

[Career Services Director's signature]

[School Name]

[Date]

APPENDIX E. PRESUMPTIONS FOR EMPLOYMENT STATUS

Absent contrary information, no additional documentation for Employment Status is required to classify a graduate in a position with one of the following job titles. This is because these positions are presumed to meet the requirements for that Employment Status category.

A CSO staff member can only change the job classification to a higher category of Employment Status if additional documentation or explanation is provided in the Graduate Employment File. The collection and use of information collected from reliable sources, such as a job posting for the same or a similar job with the graduate's employer or a position description from the employer's website, to verify the accurate categorization of the job titles and employment statuses is necessary in case of missing or misclassified key items of employment information. No documentation or explanation is needed to move a graduate to a lower category of Employment Status.

Employed – Bar Passage Required:

- Articling Student (Canada Only)
- Associate/Associate Attorney at a law firm
- Attorney
- Counsel/General or Associate General Counsel/In-House Counsel
- Judge Advocate General
- Judicial Law Clerk (all levels)
- Lawyer
- Prosecutor/State's Attorney/District Attorney
- Public Defender
- Solo Practitioner
- Staff Attorney

Employed – JD Advantage:

- Accountant
- Alternative Dispute Resolution Specialist
- Case Manager (legal employers only)
- Compliance Manager/Specialist/Investigator
- Contracts Administrator/Manager
- FBI Agent
- Human Resources Manager/Associate
- Investigator (law- or legal claim-related only)
- Investment Banker
- Journalist covering legal, regulatory, or legislative matters
- Landman/Lease Analyst/Land Management or Land Procurement Professional
- Law Clerk
- Law Firm Recruiting or Professional Development Staff Member
- Law School Career Services or Admissions Staff Member
- Law Teacher (undergraduate or law school level)
- Legal Analyst/Consultant
- Document Reviewer (law-related only)
- Legal Fellow (Bar Passage Required only on a documented case-by-case basis)

- Legal Intern
- Legal Researcher
- Legislative Advisor/Aide/Assistant/Counsel/Staffer
- Legislator
- Management Consultant
- Medical Professional working in litigation, insurance, risk management, or similar settings
- Paralegal/Legal Assistant/Legal Secretary
- Patent Agent/Prosecutor
- Patent Examiner
- Public Policy Advocate/Analyst/Consultant
- Real Estate Broker
- Regulatory Analyst/Consultant
- Settlement Negotiation Professional (official title varies by jurisdiction)
- Tax Associate at Accounting or Consulting Firm
- Trust Administrator

Employed – Professional Position:

- Architect
- B2B Salesperson
- Bailiff
- Business Manager
- Business Owner
- Dentist
- Doctor
- Engineer
- Executive Director
- Financial Planner/Advisor
- General Contractor
- Insurance Claims Adjustor
- Mayor, City Council, City Manager, or other elected executive positions
- Non-JAG Military Servicemember
- Nurse
- Pastor/Clergy/Minister
- Pharmacist
- Police Officer
- Probation Officer
- Real Estate Agent
- Sports Coach
- Teacher/Professor (non-law subjects)
- Tutor

Employed – Other Position:

- Bank Teller
- Barista
- Bartender
- Cashier
- Cook

- Gig Economy Contractor (Lyft, Uber, DoorDash, Instacart, etc.)
- Hairstylist
- Model
- Personal Trainer
- Receptionist/Administrative Assistant/Secretary
- Restaurant Server
- Retail Salesperson
- Truck Driver

APPENDIX F. INSTRUCTIONS FOR UPLOADING FILES SELECTED FOR RANDOM GRADUATE REVIEW

These instructions will guide you through the process of uploading your school's graduate employment files that were selected for the ABA's Random Graduate Review.

Note: The Dean's Signature Page is NOT uploaded in this section. The Dean's Signature Page upload, along with the final "submit" of your Employment Questionnaire, is usually completed by your school's ABA Questionnaire Administrator under the "Admin" tab in the ABA Quest System. This person is usually the one who completes the ABA's Annual Questionnaire for your school.

Questions

If you have questions about the Random Graduate Review or what materials to upload, contact [Molly Wilensky](#). If you have questions about the process of uploading your materials or encounter any issues, contact [Ken Williams](#) or [Enna Rios](#).

Uploading Files

Start by navigating to the [ABA Quest System](#). When you log into the ABA Quest system, you will be on your school's Home page.

Select the current calendar year of the Employment Questionnaire submission (2022) from the drop-down menu, and then click the "Employment Questionnaire" link in either the left navigation panel or the tab above the drop-down menu. Note: Use 2022 as the year in the drop-down menu even though you are uploading files for the Class of 2021.

This will bring you to the Employment Questionnaire Home page. From here, click on "EQ Protocol Upload" in the left navigation panel. Once here, click the "Choose Files" button.

When you click the "Choose Files" button, a file open window will display for you to select the file(s) you wish to upload. Any file format can be uploaded – Excel, Word, PDF, or text. Zip files are also supported. You can upload one file at a time or multiple files at once; however, each file must be under 25MB. If a file is larger than 25MB, it must be split into smaller files.

Note: *You may upload one electronic file per graduate employment file or one electronic file for all selected graduate employment files (subject to the 25MB limitation). However, please be sure that each graduate's ID number is clearly indicated. Additionally, if an electronic file includes documentation for more than one graduate, ensure that all documentation related to a particular graduate is grouped together.*

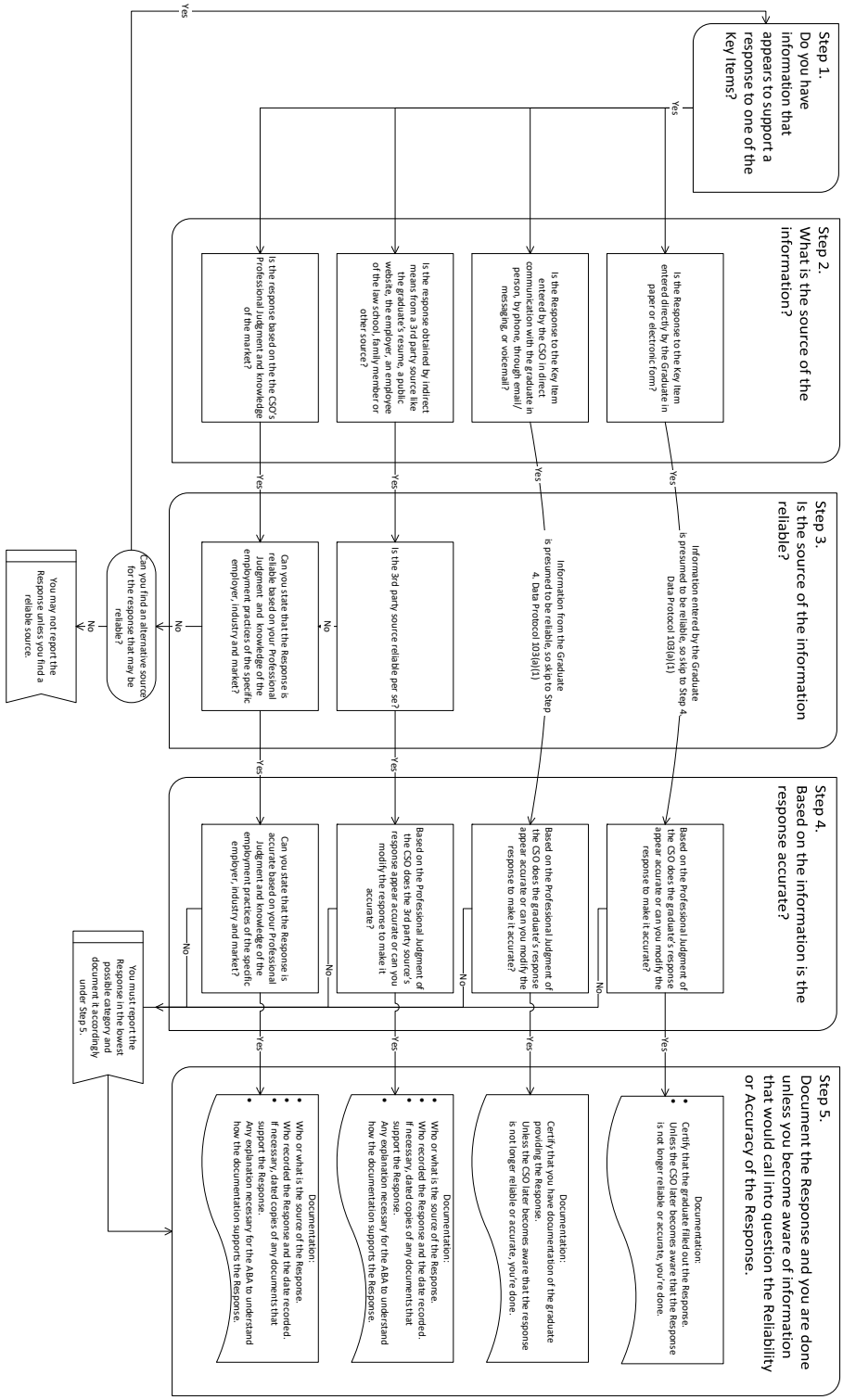
Once you have selected the file(s) you wish to upload, it will be displayed in the file text box. Click "Submit" to upload the file(s) into the system. After successfully uploading the file(s), you will see the file name(s) and the date/timestamp for each uploaded file. *If your school chooses to include a cover memo, please ensure it is uploaded here.*

If you accidentally upload the wrong file or a duplicate file, you will not be able to delete it.

Email [Ken Williams](#) or [Enna Rios](#) and one of them can delete it for you.

Once you have successfully uploaded all your files, log out of the ABA Quest system.

APPENDIX G. FLOWCHART – SUFFICIENCY OF DOCUMENTATION



APPENDIX H. EXAMPLES OF LOGS GENERATED BY SURVEY SOFTWARE

Symplicity Graduate Outcomes Log

School of Law /		School of Law /																																																																																																																							
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ADMINISTRATIVE NOTES: test #1 is fun!
 2nd administrative note added 4/4/19

12twenty Audit Log

Meghan Markle - Post JD - Offer Accepted Outcome Audit Log

Export

Time	User	User Type	Action Type	Field	New Value	Old Value
5/3/2019, 12:24 PM PDT	Oprah Winfrey	School	Add Note	Creator	Oprah Winfrey	--
				Date	5/3/2019 12:00:00 AM	--
				Has Attachment	No	--
				Student Note Type	Known Post Graduation Job	--
				Note Text	On 3/13/2019 Megan comple... More	--
				Visibility	Myself and all career adv... More	--
4/3/2019, 9:47 AM PDT	Oprah Winfrey	School	Add	Address 1	test address	--
				Postal Code	90034	--
				Employer	Kirkland & Ellis LLP	--
				MBACSEA Job Source	School Facilitated	--
				Job Source	Interviewed during fall O... More	--
				Include in Reporting	Yes	--
				Is this a full-time position?	Yes	--
				Is this a full-time position (Own Venture)?	Yes	--
				Did this job come as a result of an internship you had with this employer?	No	--
				Is this a short-term position?	No	--
				Job Title	Associate	--
				Knowledge Source	Email from Student	--
				Survey Period	10 Months	--
				Timing of Offer	Before graduation	--
Employment Type	Law Firm	--				

Time	User	User Type	Action	Field	New Value	Old Value
05/03/2019 12:24PM	Oprah Winfrey	School	Add Note	Creator	Oprah Winfrey	
				Date	5/3/2019 12:00:00 AM	
				Has Attachment	No	
				Student Note Type	Known Post Graduation Job	
				Note Text	On 3/13/2019 Megan completed the paper NALP survey attached is the document	
				Visibility	Myself and all career advisers	
04/03/2019 09:47AM	Oprah Winfrey	School	Add	Address 1	test address	
				Postal Code	90034	
				Employer	Kirkland & Ellis LLP	
				MBACSEA Job Source	School Facilitated	
				Job Source	Interviewed during fall Offer	
				Include in Reporting	Yes	
				Is this a full-time position?	Yes	
				Is this a full-time position (Own Venture)?	Yes	
				Did this job come as a result of an internship you had with this employer?	No	
				Is this a short-term position?	No	
				Job Title	Associate	
				Knowledge Source	Email from Student	
				Survey Period	10 Months	
				Timing of Offer	Before graduation	
				Employment Type	Law Firm	

APPENDIX I. THE EMPLOYMENT SUMMARY REPORT

The Employment Summary Report is a PDF chart showing a law school's graduate employment data for a particular graduating class. The Employment Summary Report for the most recent graduating class and the two preceding classes must be posted to each law school's website by the ABA's posting deadline each year. Schools are required to post the Employment Summary Report generated from the ABA Quest System, not a photocopy or school-created version or copy of the Employment Summary Report. Additionally, the URL for the Employment Summary Report for the most recent graduating class must be reported each year in the law school's Employment Questionnaire (EQ).

The most recent version of the Employment Summary Report is included in this Appendix.

How to Generate the Employment Summary Report

Law Schools are responsible for generating their own Employment Summary Report for posting on their websites. To generate the Employment Summary Report, start by navigating to the [ABA Quest System](#). When you log into the ABA Quest system, you will be on your school's Home page.

Select the current calendar year of the Employment Questionnaire submission (2022) from the drop-down menu, and then click the "Employment Questionnaire" link in either the left navigation panel or the tab above the drop-down menu. Note: Use 2022 as the year in the drop-down menu even though you are generating an Employment Summary Report for the Class of 2021.

This will bring you to the Employment Questionnaire Home page. Click on the "Summary" link in the left navigation panel. Then, click on the printer icon in the upper right corner of the screen. A PDF of your Employment Summary Report will pop up. You can then download and save the PDF or print the PDF.

A common question occurs regarding the "Summary" page. There is an Employment Summary Report on the Summary page that has hyperlinked numbers, slightly different categories, and sometimes different numbers than the Employment Summary Report PDF you see when using the printer icon. This is OK. The differently grouped and hyperlinked numbers on the Summary page are designed to help you check your numbers and figure out any issues/discrepancies in your reporting. When you click on a hyperlinked number, it will tell you the Graduate ID numbers reported in that particular cell, and you can compare that to your own records if you see any issues/discrepancies. If a school contacts the ABA because the numbers on their Employment Summary Report PDF look odd or don't add up correctly, this hyperlinked Employment Summary Report is our first stop in the troubleshooting process.

Reporting the Employment Summary Report URL in the Employment Questionnaire (EQ)

As part of the Employment Questionnaire (EQ), schools must include the URL where their most recent Employment Summary Report will be posted. (Employment Summary Reports will be posted a few weeks after the EQ deadline; the ABA will advise on the deadline to post each year. See below for more information on where and how they must be posted.)

Once you are on the "Employment Questionnaire" page of the ABA Quest System, click on the "URL for Summary Report Publication" tab in the left navigation panel. Here, you will see a text box where you can enter a URL. Click "Save" when finished. To add another URL, repeat this process.

Posting the Employment Summary Report to Law School Website

All law schools are required to post their Employment Summary Reports on their websites pursuant to ABA Standard 509. Schools will be notified by the ABA of the deadline to post the Employment Summary Report each year.

Employment Summary Reports for the most recent and two preceding graduating classes must be linked to the law school's "Consumer Information – ABA Required Disclosures" webpage. This information can be linked to the law school's Career Services webpage as well. The Employment Summary Reports posted MUST be the Employment Summary Report PDFs generated through the ABA Quest System. It is unacceptable to post a photocopy of the Employment Summary Report or to create your own version of the Employment Summary Report, even if it contains the same data or just adds percentages. For more information on this as well as the guidelines for posting additional information about your school's employment outcomes, please see the [Managing Director's Guidance Memo on Standard](#)

Phone :

Website :

Legal Education and
Admissions to the Bar

EMPLOYMENT SUMMARY FOR 2021 GRADUATES

Category definitions can be found [here](#):

EMPLOYMENT STATUS	FULL TIME LONG TERM	FULL TIME SHORT TERM	PART TIME LONG TERM	PART TIME SHORT TERM	NUMBER
Employed - Bar Passage Required	0	0	0	0	0
Employed - J.D. Advantage	0	0	0	0	0
Employed - Professional Position	0	0	0	0	0
Employed - Other Position	0	0	0	0	0
Employed - Law School/University Funded	0	0	0	0	0
Employed - Undeterminable	0	0	0	0	0
Enrolled in Graduate Studies					0
Employed - Start Date Deferred					0
Unemployed - Not Seeking					0
Unemployed - Seeking					0
Employment Status Unknown					0
Total Graduates Each graduate is counted only once in this section.					0

EMPLOYMENT TYPE	FULL TIME LONG TERM	FULL TIME SHORT TERM	PART TIME LONG TERM	PART TIME SHORT TERM	NUMBER
Law Firms					
Solo	0	0	0	0	0
1 - 10	0	0	0	0	0
11 - 25	0	0	0	0	0
26 - 50	0	0	0	0	0
51 - 100	0	0	0	0	0
101 - 250	0	0	0	0	0
251 - 500	0	0	0	0	0
501 +	0	0	0	0	0
Unknown Size	0	0	0	0	0
Business & Industry	0	0	0	0	0
Government	0	0	0	0	0
Public Interest	0	0	0	0	0
Clerkships – Federal	0	0	0	0	0
Clerkships – State, Local, and Territorial	0	0	0	0	0
Clerkships – Tribal	0	0	0	0	0
Clerkships – International	0	0	0	0	0
Education	0	0	0	0	0
Employer Type Unknown	0	0	0	0	0
Total	0	0	0	0	0

LAW SCHOOL/UNIVERSITY FUNDED POSITIONS	FULL TIME LONG TERM	FULL TIME SHORT TERM	PART TIME LONG TERM	PART TIME SHORT TERM	NUMBER
Employed - Bar Passage Required	0	0	0	0	0
Employed - J.D. Advantage	0	0	0	0	0
Employed - Professional Position	0	0	0	0	0
Employed - Non-Professional Position	0	0	0	0	0
Total Employed by Law School/University	0	0	0	0	0

EMPLOYMENT LOCATION	STATE	NUMBER
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State - Largest Employment		0
State - 2nd Largest Employment		0
State - 3rd Largest Employment		0
Employed in Foreign Countries		0